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1890

L A W S
OF THE
UNITED STATES
AND THE
SEVERAL STATES
AND CANADA,
RELATING TO
TELEGRAPHS

COMPILED FOR

The Baltimore and Ohio Telegraph Co.

by William Hadden.

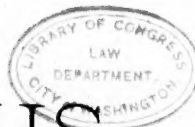
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LAWS OF THE UNITED STATES
IN RELATION TO TELEGRAPH COMPANIES.

REVISED STATUTES, TITLE LXV.

SEC. 5263.—Any Telegraph Company now organized, or which may hereafter be organized under the laws of any State, shall have the right to construct, maintain and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post-roads.

SEC. 5264.—Any Telegraph Company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations and other needful uses in the construction, maintenance and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied lands, subject to pre-emption, through which their lines of telegraph may be located, as may be necessary for their stations, not exceeding forty acres for each station, but such stations shall not be within fifteen miles of each other.

SEC. 5265.—The rights and privileges granted under the provisions of the Act of July twenty-four, eighteen hundred and sixty-six, entitled, "An Act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military and other purposes," or under this Title, shall not be transferred by any company acting thereunder, to any other corporation, association or person.

SEC. 5266.—Telegrams between the several departments of the Government and their officers and agents in their transmissions over the lines of any Telegraph Company to which has been given the right of way, timber or station-lands from the public domain, shall have priority over all other business, at such rates as the Postmaster-General shall annually fix, and no part of any appropriation for the several departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this Section.

SEC. 5267.—The United States may, for postal, military or other purposes, purchase all the telegraph lines, property and effects of any and all companies acting under the provisions of the Act of July twenty-four, eighteen hundred and sixty-six, entitled, "An Act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military and other purposes," or under this Title, at an appraised value, to be ascertained by five competent disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

SEC. 5268.—Before any Telegraph Company shall exercise any of the powers or privileges conferred by law, such company shall file their written acceptance with the Postmaster-General, of the restrictions and obligations required by law.

SEC. 5269.—Whenever any Telegraph Company, after

having filed its written acceptance with the Postmaster-General, of the restrictions and obligations required by the act approved July twenty-fourth, eighteen hundred and sixty-six, entitled, "An Act to aid in the construction of telegraph lines, and to secure to the Government the use of the same, for postal, military and other purposes," or by this Title, shall by its agents or employees, refuse or neglect to transmit any such telegraph communications as are provided for by the aforesaid act, or by this Title, or by the provision of Section 221; Title: "The Department of War," authorizing the Secretary of War to provide for taking meteorological observations at the military stations and other points of the interior of the Continent, and for giving notice on the northern lakes and sea-board of the approach and force of storms, such Telegraph Company shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars, for each such refusal or neglect. [To be recovered by an action or actions at law in any District Court of the United States.]

AN ACT making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

* * * * *. For cost of telegrams; and telegrams are authorized to be transmitted by railroad companies which may have telegraph lines, and which shall file their written acceptance of the restrictions and obligations imposed on telegraph companies by title sixty-five of the Revised Statutes, for the Government and for the general public, at rates to be fixed by the Government, according to the provisions of title sixty-five of the Revised Statutes.

Approved, June 23, 1879.

AN ACT making all public roads and highways post routes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all public roads and highways while kept up and maintained as such are hereby declared to be post routes.

Approved, March 1st, 1884.

LAWS OF ALABAMA.

CODE OF 1876.

IN RELATION TO TELEGRAPH COMPANIES.

Sec. 1930.

Any Telegraph Company chartered or incorporated by this or any other State shall have the right to construct, maintain and operate lines of telegraph along any of the railroads, or other public highways in the State of Alabama, but such lines of telegraph shall be so constructed and maintained as not to obstruct and hinder the usual travel on such railroad or other highway.

Sec. 1931.

Such Telegraph Company shall have power to contract with any persons or corporation, the owner of any lands, or of any franchise or easement over which such telegraph line is proposed to be erected for the right of way for planting, repairing and preservation of its telegraph poles, and for the erection and occupation of offices, at suitable distances, for the public accommodation.

Sec. 1932.

Such Telegraph Company shall be entitled to the right of way over the lands, franchises and easements of other persons and corporations, and the right to erect poles, and to establish offices upon making just compensation as now provided by law.

Every Telegraph Company must, at each and every point where the wires of any line of telegraph may cross any public or private road, erect substantial, durable and permanent posts or piers, to prevent the falling of the wires, so as to obstruct or interfere with the travel on such road. And upon failing to erect posts or piers, as herein prescribed, and upon the falling of any telegraphic wires, so as to obstruct or interfere with the travel along any private or public road, it is the duty of any justice in the county, upon complaint that the wires of any telegraph lines have fallen across or along any road, private or public, to issue notice to any officer or agent of such company, to be found within the county, to appear before him at such time, not short of ten days' notice, as he may appoint, and upon proof that the wires are down, or have been down for one day, he shall enter a fine of not less than ten or more than fifty dollars for every day the wires are permitted to remain down.

Sec. 1362.
Revised Code of
1867.

If no officer or agent of the company is found in the county, then and in that case notice posted at two or more places near the line of telegraph, in the neighborhood of where the wires have fallen, citing the company, for five days, to appear before a Justice of the Peace, shall be deemed and held sufficient notice, and if the company shall not defend, by some agent or officer, fine may be entered by default; and if the company shall fail or refuse, for the space of sixty days, to pay any fine imposed under the Act, such telegraph line shall be deemed a public nuisance, and upon due notice the same shall be subject to be abated as such, by proceedings before the Circuit Court of the county in which such wires shall be permitted to continue down, in the same manner as other nuisances are abated.

The right of way is granted to any person having the right to construct telegraph lines within the State, upon the margin of any public highway.

Any person who wilfully cuts, pulls down, destroys, or in any manner injures any telegraph line or post, or

part thereof, must, on conviction, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

SEC. 384.

Code of 1876.

The President and Secretary of every Telegraph Company, whose line or any part thereof is in this State, shall annually, in the month of April, return to the Auditor of the State, under oath, the number of miles of telegraph wire in this State belonging to it, and the value thereof, including poles, batteries, instruments, and the length and value of its lines in each county in this State, and the Auditor of the State shall notify the assessors of the counties through which such line runs of the value of such property in their respective counties, and the agents or managers of the lines are authorized to pay the taxes thereon, and retain the same out of any money in their possession belonging to the company; and if any telegraph company fails to make such return, the auditor shall proceed to estimate the same, and add one hundred per cent. thereon as a penalty for the failure to make returns required, and apportion the same to the different counties, as is provided in case of railway companies.

SEC. 386.

The Agents or Managers of Telegraph Companies shall, on or before the 15th day of April in each year, make out, under oath, a true and full statement of the gross receipts of their respective offices for the preceding year, and deliver the same to the assessors of the county where they collect any income, and such agents and managers shall pay the tax thereon to the collector, and retain the amount of any money in their possession belonging to such company; but when any such agent or manager shall fail to make the return therein required, the assessor of the county shall proceed to estimate, upon the best information he can obtain, the probable amount of the receipts of such business, and add thereto fifty per cent., and return the same to the collector in the same manner as other assessments are returned, and

no property of such company shall be exempt from levy and sale for taxes.

ARKANSAS.

REVISED STATUTES, 1874.

CHAPTER 42.

CRIMINAL LAW.

SUBJECT XIX.—Malicious Mischief and Trespass, and Injury to Property.

Any person who shall willfully and intentionally de-
 stroy, injure or obstruct any telegraph line, or any of
 the materials thereof, shall, on conviction thereof, be
 fined in a sum not less than two hundred dollars, and
 imprisoned for not less than six months, and pay the
 owners of said line all the damages sustained thereby.
 (Act Jan. 21, 1861.)

SEC. 1383.
Injury to tele-
graph line

CHAPTER 42.—Continued.

SUBJECT XXIX.—Offences against the Revenue.

If the taxes assessed against any express, insurance
 or telegraph company, in any county, shall remain due
 and unpaid after the twentieth day of April, in any
 year, it shall be unlawful for any person or corporation
 to act as agent, or do or transact any business for such
 company so in default in such county, until said tax,
 and interest, and penalty is fully paid; and any person
 or agent, manager or clerk of any corporation, who shall,
 after such default, directly or indirectly act as agent of

SEC. 1407.
Express, insu-
rance or tele-
graph com-
panies failing
to pay.

or do or transact any business whatever on account of or for the benefit of such company so in default, shall, upon conviction thereof, be confined in the Penitentiary not less than one nor more than twelve months.

ARKANSAS.

REVISED STATUTES, 1874.

CHAPTER 42.—*Continued.*

CRIMINAL LAW.

SUBJECT XXXVII.—Divulging Contents of Telegram.

Sec. 1868.
Punishment
for.

Any person connected with any telegraph company in this State, either as agent, clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents, or the nature of the contents, of any private communication intrusted to him for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, on conviction shall pay a fine of not less than five hundred dollars, nor more than one thousand dollars, or be imprisoned in the county jail for not less than six months, nor more than twelve months, or shall be punished with both fine and imprisonment (Act July 16, 1868, § 3).

ARKANSAS.

REVISED STATUTES, 1871.

CHAPTER 130.

TELEGRAPH COMPANIES.

It shall be the duty of the owner or association own-^{Sec. 5721.}
 ing any telegraph lines doing business within this State, ^{Owners of tele-}
 to receive dispatches from and for other telegraph lines ^{graphic lines}
 and associations, and from and for any individual, and ^{to receive dis-}
 on payment of their usual charges for individuals for ^{patches; pen-}
 transmitting dispatches, as established by the rules and ^{alty for ne-}
 regulations of such telegraph lines, to transmit the same ^{glect or re-}
 with impartiality and good faith, under the penalty of one ^{fusal.}
 hundred dollars for every neglect or refusal so to do, to
 be recovered, with costs of suit, in the name and for the
 benefit of the person sending or desiring to send, such
 dispatch; Provided, that nothing contained in this sec-
 tion shall be construed to require any telegraph com-
 pany or association to receive and transmit dispatches
 from or for any other company or association owning a
 line of telegraph parallel with or doing business in com-
 petition with the line on which the dispatch is required
 to be sent.

It shall likewise be the duty of every such owner or ^{Sec. 5722.}
 association to transmit all dispatches in the order in ^{Dispatches to}
 which they are received, under the like penalty of one ^{be transmit-}
 hundred dollars, to be recovered, with costs of suit, ^{ted, how.}
 by the person whose dispatch is postponed out of its
 order: Provided, however, that arrangements may be
 made with the proprietors or publishers of newspapers
 for the transmission for the purpose of publication of
 intelligence of general and public interest out of its
 regular order.—Act July, 1868.

The telegraph companies now, or which may hereafter ^{Sec. 5723.}
 be in existence in this State shall, on application to ^{Communica-}
 any of the officers of this State, in the event of war, ^{tions of State}
^{officers to re-}

ceive imme- insurrection, or any resistance of public authority; or
 diate dis- in case of the commission of any crime, and the person
 patch, when charged therewith, or suspected thereof, shall attempt
 to escape, gave to the communications of such officers
 immediate dispatch, and for the transmission of the
 same the company shall charge the same price as for
 other communications.

SEC. 5724. Any telegraph company shall have power to set up
 Roads, Streets their fixtures along and across any of the roads, streets
 and waters; or waters of this State, provided they do not obstruct
 power of companies to
 set up fix-
 tures along
 and across the same.

ARKANSAS.

REVISED STATUTES, 1874.

CHAPTER 118.

REVENUE.

EXPRESS, TELEGRAPH AND INSURANCE COMPANIES.

SEC. 5090. Any person or persons, joint stock association or
 What deemed corporation, conveying to, from or through this State,
 an express or in any part thereof, money packages, gold, silver plate,
 company, or other articles by express, not including the ordinary
 what a tele- lines of transportation of merchandise and property in
 graph com- this State, shall be deemed to be an express company;
 pany. and any person or persons, joint stock association or
 corporation engaged in transmitting to, from, through
 or in this State, telegraph messages, shall be deemed
 and held a telegraph company.

SEC. 5091. Each agent of any express company or telegraph com-
 List of agent pany, having its principal office in any other State or
 to make country, and doing business in this State, shall an-
 what to show nually on the day preceding the first Tuesday of June

of each year, make and deliver to the County Clerk of the proper county in which such agent has his place of business, on statement verified by the oath of such agent, showing the entire receipts of such agent for the year then next preceding, for and on account of such company, including its proportion of gross receipts for business done by such company, in connection with lines of other companies outside of the limits of this State : Provided, that the amount which any express company actually pays to the railroads or other public conveyances within this State, for the transportation of their freight within this State may be deducted from the gross receipts of such company as above ascertained, and the balance thus found as to the express companies, shall be by the County Clerk entered upon the tax books of his county against said company, and charged with the same rate of taxes for all purposes, that personal property is or may be charged by law at the place where such agency or agencies is or are located : Provided further, that nothing herein contained shall release such express company from the provisions of section 5097. Such agent or agents in making statement of the receipts shall include all sums earned or charged for the business of such preceding year, whether actually received or not. The gross receipts of telegraph companies, as above ascertained shall be entered for taxation, and taxed in the manner herein provided for express companies.

If any agent of such express or telegraph shall neglect or refuse to make and return such statement, it is hereby made the duty of the County Clerk in which such agent has his office or place of business, to ascertain the amount so received by such agent, before such County Clerk, to answer such questions as may be put to him, relating to said agency, and subject matters thereof. If such agent refuse to answer, the County Clerk may commit such agent to the county jail until he shall make such disclosures as are contemplated by this act ; and the costs of such proceedings shall be

SEC. 5092.
Neglect of
agent; Clerk
may compel
agent; costs.

taxed against said agent personally, and collected, as in case of judgments of the Circuit Courts.

SEC. 5093.

Clerk may enter penalty

From the examination aforesaid, and such other information as the County Clerk can obtain, he shall ascertain the receipts of said agents, and enter the same upon his tax books, with fifty per cent. penalty thereon.

SEC. 5094.

Agent to retain receipts to pay tax, in default personally liable

It shall be the duty of each agent aforesaid to retain in his hands and pay to the collector of the proper county the taxes so assessed, if the receipts of his office are sufficient for that purpose, and in default thereof, the collector shall proceed to collect the same by distress and sale of the personal property of such agent.

SEC. 5095.

Tax not paid, business unlawful.

If the taxes so assessed against any express company or telegraph company in any county in this State shall remain due and unpaid after the twentieth day of April in any year, it shall be unlawful for any person or persons or corporations to act as agents or do or transact any business for such company so in default in such county until said tax and interest and penalty are fully paid.

ARKANSAS.

ACTS OF ARKANSAS, 1881.

No. XL. An Act to amend an Act entitled "An act to establish Fees," approved February 25th, 1875.

Be it enacted by the General Assembly of the State of Arkansas:

SEC. 1.
Fees to office of Secretary of State.

That section 1 of the act to which this act is amendatory, be so amended as to read as follows: Sec. 1. The following fees shall be allowed and collected by the Secretary of State and accounted for to the Treasury by him, in the same manner that all other fees are or shall be directed to be accounted for by State officers, viz:

For * * * * *

For filing each charter or draft of articles for a railway or telegraph company, for a line not exceeding twenty-five miles in length, fifty dollars (\$50.00).

Exceeding twenty-five miles and not fifty miles, seventy-five dollars (\$75.00).

Exceeding fifty miles and not exceeding seventy-five miles, one hundred dollars (\$100.00).

Exceeding seventy-five miles and not over one hundred miles, one hundred and twenty-five dollars (\$125.00).

Exceeding one hundred miles and not over one hundred and fifty miles, one hundred and fifty dollars (\$150.00).

Exceeding one hundred and fifty miles and not over two hundred miles, one hundred and seventy-five dollars (\$175.00).

And for a line exceeding two hundred miles in length, two hundred (\$200.00).

ARKANSAS.

ACTS OF ARKANSAS, 1883.

ACT CXIV.—An Act to Revise and Amend the Revenue Laws of Arkansas.

Sec. 36.—Express and Telegraph Companies.

Any person or persons, joint stock company, association or corporation conveying to, from, or through the State, or any part thereof, money, packages, gold or silver plate, or other articles by express, not including

Sec. 36.
Express and
Telegraph Co.
defined.

the ordinary lines of transportation of merchandise and property, shall be deemed to be an express company. And any person or persons, joint stock company, association or corporation engaged in transmitting to, from, through or in this State, telegraphic messages, shall be deemed and held to be a telegraph company.

SEC. 37.
How and by
whom as-
sessed.

Each agent of any express company or telegraph company, having its principal office in this State, or in any other State or county, and doing business in this State, shall annually in the month of March, make out and deliver to the Assessor of the proper county in which such agent has his place of business, a statement verified by the oath of such agent, showing the entire receipts of such agent for the year next preceding the first Monday in February, in the year in which such statement is made, for, and on account of such company, including its proportion of gross receipts for business done by such company in connection with lines of other companies outside of the limits of this State.

Provided; the amount which any express company accurately pays to railroads or steamboats within this State for the transportation of their freight upon the money packages, gold and silver plate or other articles, to, or from, the point at which such agent is located, may be deducted from the gross receipts of such company as above ascertained, and the balance thus found, as to express companies, and the gross receipts as above ascertained for the telegraph companies, shall be by such assessor listed and assessed as personal property.

SEC. 38.
Office furniture
and other
personal prop-
erty assessed
in county,
city or town,
when same is
used or kept.

The office furniture and other real and personal property of telegraph and express companies, shall be assessed in the county, city or town where the same is used and kept, in like manner as other real and personal property in such county, city or town is assessed.

SEC. 39.
Penalty for ne-
glect or refus-
al of list.

Any agent of such express or telegraph company, wilfully neglecting or refusing to make out and deliver to the proper assessor such statement, during the month of March, as by this act required, shall be guilty of a

misdemeanor, and on conviction, shall be fined in any sum not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), and imprisonment not less than thirty days, nor more than six months. And said assessor shall, from the vast evidence obtainable, ascertain the amount of the receipts of such agent, and enter the same upon the assessment roll, with fifty per centum penalty thereupon.

ARKANSAS.

ACTS OF ARKANSAS.

Act CXIV.—Continued.

Sec. 42—Telephone Companies.

Gas, telephone, * * * * and all other companies, corporations or associations, incorporated under the laws of this State, or under the laws of any other State, and doing business in this State, other than insurance companies, and the companies and corporations whose taxation is in this act specifically provided for, in addition to the other property required by this act to be listed, shall, through their president, secretary, principal accounting officer or agent, annually, during the month of March, make out and deliver to the assessor of the county where said company or corporation is located or doing business, a sworn statement of the capital stock, setting forth particularly :

First.—The name and location of the company or association.

Second.—The amount of capital stock authorized and

SEC. 52.
Gas, telephone
bridge, street,
railway, sav-
ing banks,
&c., compa-
nies to be
listed by pres-
ident, &c.

the number of shares into which such capital stock is divided.

Third.—The amount of capital stock (stock) paid up, its market value, and if no market value, then the actual value of the shares of stock.

Fourth.—The total amount of all indebtedness, except indebtedness for current expenses, excluding from such indebtedness the amount paid for the purchase or improvement of the property.

Fifth.—True valuation of all tangible property belonging to such company; such schedule shall be made out in conformity to such instructions and forms as may be prescribed by the auditor of public accounts.

REC. 43.

Assessors shall give notice to corporations to file schedule, failure or neglect to do so a misdemeanor, penalties, other duties of assessor.

The assessor shall annually, at least ten days before the 28th day of February, deliver to the president, secretary, accounting officer or agent of any such company, corporation or association, located in or doing business in such county, a notice in writing to return such schedule by the 31st day of March next ensuing. Any president, secretary, principal accounting officer or agent of any such companies or corporations upon whom such notice shall have been served, wilfully neglecting or refusing to make such return by the 31st day of March next ensuing after delivery of said notice, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars (\$100), or imprisoned not exceeding three months, or both, and the assessor shall, from the best information he can obtain, make out and enter upon the proper assessment roll a list with the valuation of all tangible and intangible property belonging to such defaulting company or corporation, subject to taxation by the provisions of this act, with fifty per cent. penalty.

CALIFORNIA.

CODES AND STATUTES 1876.

CIVIL CODE.

CHAPTER IV.—CARRIAGE OF MESSAGES.

A carrier of messages for reward other than by telegraph, must deliver them at the place to which they are addressed, or to the person for whom they are intended. Such carrier by telegraph must deliver them at such place and to such person, provided the place of address, or the person for whom they are intended, is within a distance of two miles from the main office of the carrier in the city or town to which the messages are transmitted, and the carrier is not required, on making the delivery, to pay on his route toll or ferriage; but for any distance beyond one mile from such office, compensation may be charged for a messenger employed by the carrier.

SEC. 5161.
Obligations of
carriers of
messages.

A carrier of messages for reward must use great care and diligence in the transmission and delivery of messages.

SEC. 7162.
Care and dil-
igence requir-
ed.

CHAPTER V.—COMMON CARRIERS.

ARTICLE IV.—COMMON CARRIERS OF MESSAGES.

A carrier of messages by telegraph must, if it is practicable, transmit every such message immediately upon its receipt. But if this is not practicable, and several messages accumulate upon his hands, he must transmit them in the following order:

SEC. 7207.
Order of trans-
mission of tel-
e graphic
messages.

1. Messages from public agents of the United States or of this State on public business.

2. Messages in good faith for immediate publication in newspapers, and not for any secret use.

3. Messages giving information relating to the sickness or death of any person.

4. Other messages in the order in which they are received.

CALIFORNIA.

CODE OF CIVIL PROCEDURE.

CHAPTER V.—NOTICES AND FILING AND SERVICE OF PAPERS.

SEC. 11017.
Service by tele-
graph.

Any summons, writ or order in any civil suit or proceeding, and all other papers requiring service, may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted, may be served or executed by the officer or person to whom it is sent for that purpose, and returned by him, if any return be requisite, in the same manner, and with the same force and effect, in all respects, as the original thereof might be if delivered to him, and the officer or person serving or executing the same, has the same authority, and is subject to the same liabilities as if the copy were the original.

The original, when a writ or order must also be filed in the Court from which it was issued, and a certified copy thereof must be preserved in the telegraph office from which it was sent. In sending it, either the original or the certified copy may be used by the operator for the purpose. Whenever any document to be sent by telegraph bears a seal—either private or official—as it is not necessary for the operator in sending the same, to telegraph a description of the seal or any words or

device thereon, but the same may be expressed on the telegraphic copy by the letters "L. S." or by the word "seal."

CALIFORNIA.

PENAL CODE.

TITLE XIII.—OF CRIMES AGAINST PROPERTY.

CHAPTER IV.—FORGERY AND COUNTERFEITING.

Every person who, knowingly and wilfully sends by telegraph to any person, a false or forged message, pur-
SEC. 13371. Forging of telegraph messages.
 porting to be from such telegraph office, or from any other person, or who wilfully delivers or causes to be delivered to any person any such message, falsely pur-
 porting to have been received by telegraph, or who fur-
 nishes, or conspires to furnish, or causes to be furnished to any agent, operator or employee, to be sent by telegraph, or to be delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud another, is punishable by imprisonment in the State Prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both fine and imprisonment.

CALIFORNIA.

TIT. X.—OF CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY.

Every person who is intoxicated while acting as tele-
SEC. 13391. Intoxication of operators, &c.
 graph operator, receiving or transmitting messages re-
 lating to the movement of trains is guilty of a misde-
 meanor.

CHAPTER XV.

MALICIOUS INJURIES TO * * * TELEGRAPHS.

Sec. 13591.
Injuring tele-
graph lines.

Every person who maliciously takes down, removes, injures, or obstructs any line of telegraph or any part thereof, or appurtenance or apparatus connected therewith, or severs any wire thereof is guilty of a misdemeanor.

CALIFORNIA.

TIT. XIV.—MALICIOUS MISCHIEF.

Sec. 13619.
Disclosing con-
tents of tele-
graphic mes-
sages.

Every person who wilfully discloses the contents of a telegraphic message or any part thereof addressed to another person, without the permission of such person, is punishable with imprisonment in the State Prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both fine and imprisonment.

Sec. 13620.
Altering tele-
graphic mes-
sages.

Every person who wilfully alters the purport, effect or meaning of a telegraphic message to the injury of another is punishable as provided in the preceding section.

Sec. 13621.

Every person not connected with any telegraphic office without the authority or consent of the person to whom the same may be directed, wilfully opens any sealed envelope enclosing a telegraphic message, and addressed to any other person with the purpose of learning the contents of such message, or who fraudulently represents any other person, and thereby procures to be delivered to himself any telegraphic message addressed to such other person with the intent to use, destroy or detain the same from the person or persons entitled to receive such message is punishable as provided in section 619.

CALIFORNIA.

TIT. XV.—MISCELLANEOUS CRIMES.

CHAPTER II.

OF MISCELLANEOUS OFFENCES.

Every agent, operator or employee of any telegraph office, who wilfully refuses to send any messages received at such office for transmission, or wilfully postpones the same out of its order, or wilfully refuses or neglects to deliver any message received by telegraph, is guilty of a misdemeanor. Nothing herein contained shall be construed to require any message to be received, transmitted or delivered unless the charges thereon have been paid or tendered, nor to require the sending, receiving or delivery of any message counseling, aiding, abetting or encouraging treason against the Government of the United States, or of this State or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to investigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal person accused of crime.

SEC. 13638.
Neglect or postponement out of regular order of telegraphic messages.

Every agent, operator or employee of any telegraph office, who in any way uses or appropriates any information derived by him from any private message passing through his hands, and addressed to any other person, or in any other manner acquired by him by reason of his trust as such agent, operator or employee, or trades or speculates upon any such information so obtained, or in any manner turns or attempts to turn the same to his own account, profit or advantage, is punishable by imprisonment in the State Prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 13639.
Agent, operator or employee using information from messages.

Sec. 1340.
Clandestinely
learning the
contents of a
telegraphic
message.

Every person who by means of any machine, instrument or contrivance, or in any other manner wilfully and fraudulently reads or attempts to read any message, or to learn the contents thereof whilst the same is being sent over any telegraph line, or wilfully and fraudulently or clandestinely learns or attempts to learn the contents or meaning of any message while the same is in any telegraph office, or is being received thereat or sent therefrom, or who uses or attempts to use or communicates to others any information so obtained, is punishable as provided in 639.

Sec. 1341.
Bribing tele-
graphic oper-
ators.

Every person who by the payment or promise of any bribe, inducement or reward, procures or attempts to procure any telegraph agent, operator or employee to disclose any private message or the contents, purport, substance or meaning thereof, or offers to any such agent, operator or employee, any bribe, compensation or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator or employee, or uses or attempts to use any such information so obtained, is punishable as provided in section 639.

CALIFORNIA.

PENAL CODE—PART II.

TITLE III.

CRIMINAL PROCEDURE.

CHAPTER V.—ARREST BY WHOM AND HOW MADE.

Sec. 13850.
Arrest by tele-
graph.

A Justice of the Supreme Court, District or County Judge, or the Judge of the Municipal Criminal Court of San Francisco, may, by an endorsement under his hand

upon a warrant of arrest, authorize the service thereof by telegraph, and thereafter a telegraphic copy of such warrant may be sent by telegraph to one or more peace officers, and such copy is as effectual in the hands of any officer, and he must proceed in the same manner under it as though he held an original warrant issued by the Magistrate making the endorsement.

Every officer causing telegraphic copies of warrants to be sent must certify as correct, and file in the telegraph office from which copies are sent a copy of the warrant and endorsement thereon, and must return the original with a statement of his action thereunder.

SUPPLEMENT OF CODES AND STATUTES
OF CALIFORNIA--1877-1880.

VOL. III.

AMENDMENTS TO POLITICAL CODE.

Telegraph lines must be assessed the same as real estate by the assessor of the county at a rate per mile for that portion of such property as lies within his county.

SEC. 3063.
*** telegraph
lines, how as-
sessed.

(Amendment, approved April 15, 1880; Amendments 1880, 58 (Ban. ed., 252), took effect immediately.)

Every person who wilfully discloses the contents of a telegraphic message, or any part thereof, addressed to another person, without the permission of such person, unless directed so to do by the lawful order of a Court, is punishable by imprisonment in the State Prison not exceeding five years, or in the County Jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both fine and imprisonment.

SEC. 13619.
Disclosing con-
tents of tele-
graphic mes-
sages.

(Amendment, approved April 15, 1880; Amendments 1880 (38 ed., 224), took effect 60th day after passage.)

Sec. 13850.
Arrest by tele-
graph.

A Justice of the Supreme Court, or a Judge of a Superior Court, may, by an endorsement under his hand upon a warrant of arrest, authorize the service thereof by telegraph, and thereafter a telegraph copy of such warrant may be sent by telegraph to one or more peace officers, and such copy is as effectual in the hands of any officer, and he must proceed in the same manner under it as though he held an original warrant issued by the Magistrate making the endorsement.

(Amendment Apl. 12, 1880, 33 (Ban. ed., 200), took effect immediately.)

CALIFORNIA.

STATUTES OF 1880.

CHAPTER CXXV.

An Act to amend section 619 of the Penal Code, relative to disclosing the contents of a telegraphic message.
Approved April 15, 1880.

The People of the State of California represented in Senate and Assembly, do enact as follows:

SEC. 1.

Section six hundred and nineteen of said Code is hereby amended so as to read as follows:

619. Every person who wilfully discloses the contents of a telegraphic message, or any part thereof, addressed to another person, without the permission of such person, unless directed so to do by the lawful order of a Court, is punishable by imprisonment in the State Prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both fine and imprisonment.

CHAPTER CXLIII.

An Act to amend section 3663 of the Political Code relating to Revenue. Approved April 15, 1880.

The People of the State of California, represented in Senate, do enact as follows :

Section three thousand six hundred and sixty-three SEC. 1. of the said Code is hereby amended so as to read as follows :

3663. Water ditches constructed for mining, manufacturing or irrigation purposes, and wagon or turnpike toll roads or telegraph lines, must be assessed the same as real estate by the assessor of the county, at a rate per mile for that portion of such property as lies within his county.

This act shall take effect immediately.

SEC. 2.

COLORADO.

GENERAL LAWS 1877.

CHAPTER XIX.

CORPORATIONS, 289.

Telegraph Companies.

Whenever any number of persons organize under the provisions of this act to form a company for the purpose of constructing a line of magnetic telegraph in this State, their or his certificate shall specify as follows : The termini of such line or lines, and the counties through which they shall pass ; and such company is hereby authorized to construct such telegraph line or

SEC. 99.
What shall be
stated in cer-
tificate of in-
corporation.

lines, from point to point along and upon any of the public roads by the erection of the necessary fixtures, including posts, piers and abutments necessary for the wires ; provided, that the same shall not incommode the public in the use of said roads or highways.

Use of roads and highways not to be obstructed.
SEC. 100.
Consent of corporate authority to be obtained for erection in cities and towns, and recorded in office of county clerks
 No such company shall have the right to erect any poles, posts, piers, abutments, wires or other fixtures of their lines along or upon any street, alley, or other highway, or public ground, within any incorporated city or town, without the consent of the corporate authorities of such city or town.

The consent herein required must be in writing, and shall be recorded in the Recorder's office of the county in which the city or town is located. Any such city, council or board of trustees of such city or town, as the case may be, shall have power to direct any alterations in the location or erection of any such poles, posts, piers or abutments, and also in the height of the wires, having first given the company or its agent opportunity to be heard in regard to such alterations.

SEC. 101.
Forfeiture of rights and franchises for neglect or refusal to receive or transmit dispatch.
 If any company owning or operating any line of telegraph in this State shall refuse to receive any despatch from any other company or person owning or operating any telegraph line in this State, or shall refuse or willfully neglect to transmit the same in good faith, and without partiality, the company so offending shall forfeit all rights and franchises acquired under the laws of this State, and may be enjoined therefrom by bill of complaint, filed in any Court of competent jurisdiction, and be liable to pay all damages which shall accrue by reason of such refusal to the company or person offering such despatch for transmission.

May be enjoined liable to pay.
SEC. 102.
Receipt and transmittal of messages.
 It shall be the duty of all persons employed in transmitting messages by telegraph to transmit them in the order in which they are received, and any person who shall fail so to transmit a message, or who shall suppress a message, or who shall make known the contents of a message to any person other than the one to whom it is addressed, or his agent, shall be deemed guilty of a mis-

demeanor, and be punished by a fine not exceeding five hundred dollars, and said company shall be liable for all damages resulting therefrom.

Any company formed under the provisions of this act Sec. 106. for the purpose of constructing any * * * * * telegraph * * * telegraph companies: limit of time for commencement and completion of work. line, shall, within ninety days from the date of their certificate, commence work on such * * * * * telegraph line as shall be named in the certificate, and shall prosecute the work with due diligence until the same is completed; and the time of the completion of any such * * * * * telegraph line shall not be extended beyond a period of two years from the time work was commenced as aforesaid; and any company failing to commence work within ninety days from the date of the certificate, or failing to complete the same within two years from the time of commencement as aforesaid, shall forfeit all rights so claimed, and the same shall be subject to be claimed by any other company. * * * * *

Any person who shall wilfully or maliciously damage Sec. 107. or interfere with any * * * * * telegraph line or any of the fixtures, tools, implements, appurtenances, or any property of any company which may be organized under the provisions of this act, upon conviction thereof before any Court of competent jurisdiction in the county where the offense shall have been committed, shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the Court; said imprisonment not to exceed one year, and said fine not to exceed five hundred dollars: which fine shall be paid into the county treasury for the use of common schools, and said offender shall also pay all damages that any such corporation may sustain, together with costs of suit. Willful or malicious interference with property of corporations deemed misdemeanor.

It shall be competent for any railroad or telegraph Sec. 112. company or corporation upon a vote in person or by in what manner articles of association may be amended. proxy, of two-thirds in value of its stock holders at any meeting thereof, to alter and amend its articles of association so as to change its termini, or so as to extend the length of the line thereof from either of its termini to

said further and other point as they may determine, or for the purpose of constructing branches from its main line, and upon such vote the said company may make articles amendatory of their original articles for the purpose of extending or changing the line of its road, or for constructing branches from its main line as aforesaid, and whenever any such company or corporation shall, by a vote of two-thirds in value of its stockholders, so determine to amend or alter their articles of association, and shall certify to such amendments or alterations made as aforesaid, under the corporate seal of such company or corporation attested by its president and secretary, and shall file such certificate in the office of the

When certificate thereof filed in offices of Secretary of State and county clerk, amendments to have force and effect of original articles.

Secretary of State, and also in the office of the Recorder of Deeds in the county wherein the principal business of each company may be carried on; such amendment, amendments or alterations shall have the same force and effect as though said amendment or alteration had been included in and made a part of and embraced in its original articles of association.

SEC. 114.

How title to real estate may be acquired in case of disagreement with owners.

If any corporation formed under this act for the purpose of constructing a * * * * * telegraph * * * line, shall be unable to agree with the owner for the purchase of any real estate required for the purpose of any such corporation or company, or the transaction of the business of the same, or for right of way or any other lawful purpose connected with or necessary to the operation of such company, such corporation may acquire such title in the manner provided by law.

COLORADO.

GENERAL LAWS OF 1877.

CHAPTER XXIV.

CRIMINAL CODE.

**Division XI. Offences committed by cheats, swindlers
and other fraudulent persons.**

It shall be a misdemeanor punishable with a fine not exceeding one thousand dollars, or imprisonment not to exceed one year or both, in any employee of a telegraph company or any other person to wilfully divulge the contents or the purport of any message or part thereof, sent or to be intended to be sent over the telegraph line, and the offender shall be liable for damages in a civil action.

Sec. 777.
Divulging con-
tents or pur-
pose of tele-
graphic mes-
sage.

It shall be a misdemeanor punishable (as in the last foregoing section), to knowingly and wilfully send or deliver a false message, or to furnish or conspire to furnish such message to an operator to be sent or delivered with intent to injure, deceive or defraud any person, corporation or the public, and the offender shall be liable in a civil action.

Sec. 778.
Sending or deli-
vering false
telegraphic
message with
intent to in-
jure.

It shall be a misdemeanor punishable as in section F to wilfully or unlawfully open any sealed envelope inclosing a message with a view of learning its contents, or to fraudulently personate another, and thereby procure the delivery to himself of the message directed to such person, with the intent to use, destroy or detain the same, and the offending party shall be liable in treble damages to the injured person for all damages sustained thereby.

Sec. 779.
Opening sealed
message or
personating
another for
purpose of
procuring de-
livery of
message

It shall be a misdemeanor punishable as in section A to wilfully and fraudulently read or attempt to read by means of any instrument or in any other manner any

Sec. 780.
Reading or at-
tempting to
read message
while in tran-
sit.

message on its transit, or to wilfully and fraudulently or clandestinely learn, or attempt to learn the contents or meaning of a message while in a telegraph office, or while being secured thereat, or sent therefrom, or to use or attempt to use or communicate any information so obtained by any person, and the offender shall be liable to damages in a civil action.

SEC. 781.

Bribery of tele-
graphic oper-
ators or em-
ployés.

It shall be a misdemeanor punishable as in section F to bribe a telegraph operator or employee to disclose any private message or the purport of the same, or to offer a bribe to such operator or employee, for the disclosure of any private information received by him by reason of his trust as agent of a telegraph company, or to use or attempt to use such information when obtained.

LAWS OF CONNECTICUT.

CHAPTER XXXIV.

An Act in relation to Telegraph Companies.

Be it enacted by the Senate and House of Representatives in General Assembly convened.

TELEGRAPH BILL.

SECTION 1. Whenever it shall be necessary to cut or otherwise disconnect the wires of any telegraph company, or to remove them from the poles or fixtures to which they are attached in order to remove a building across the same, or for any other purpose, any person desiring to so cut, disconnect, or remove such wires, shall have the right so to do, exercising reasonable care therein, provided, that before doing so, he shall make a statement, in writing, by him signed, of the time when and the particular place where, by reference to the cross-

ings of the streets or highways, he wishes to cut, disconnect, or remove such wires as aforesaid, and leave the same at the office of such company, if any there is in the town where such place is situated, twenty-four hours before the time so stated; and if such company has no office in the same town, then he shall send such statement by mail to the office of such company nearest to the place named therein, by putting it into the post-office properly directed and stamped, three days before the time stated therein.

SECTION 2. Whoever shall wilfully or recklessly cut, disconnect, remove, or otherwise interrupt the use of any telegraph wires, without first giving notice as provided in the first section of this act, shall be punished as provided in section 88th (title 12th) of the 4th chapter of the Revised Statutes of this State.

SECTION 3. This act shall take effect when approved.

Approved—July 24, 1868.

LAWS OF CONNECTICUT.

REVISED—1875.

(PART 10.)

SEC. 1. 1848.—Every Telegraph Company may maintain and construct lines of telegraph upon any highway or across any waters in this State, by the maintenance and erection of the necessary fixtures including posts, piers or abutments for sustaining wires, but the same shall not be so constructed as to incommode the public travel or navigation, nor to injure any tree without the consent of the owner, nor shall such company construct any bridge across any waters, and said lines shall be personal property.

SEC. 2. 1849, 1860.—No Telegraph Company or association may place any piers, posts or abutments in or upon any highway without the consent of the adjoining proprietors, or in case such consent cannot be obtained without the approval in writing of a county commissioner of the county where such land is situated, which shall be given only after a hearing upon due notice to such proprietors, and any county commissioner within the county in which he belongs may make all proper orders regarding the location or construction of any such posts, piers and abutments and may change such location after giving reasonable notice to such company to appear and be heard relative thereto, and his fees shall be paid by such company except when he shall decide in its favor in an application against it when they shall be paid by the applicant.

SEC. 3. 1860, 1874.—The Superior Court may order the removal of any telegraph poles in the county where such court is held on the complaint of the State's attorney or any party aggrieved by their location.

SEC. 4. 1860.—The Warden and Burgesses of any borough and the Common Council of any city may, upon giving reasonable notice to any Telegraph Company, compel it to furnish poles of such style and finish as they may determine within their limits.

SEC. 5. 1860, 1874.—Any Judge of the Superior Court may upon the application of any party interested and after due notice, unless the application has been unreasonably delayed, appoint three disinterested persons to make a written appraisal of all damages which may be due to any person by reason of anything which may have been done by authority of the first three sections, and said appraisal, when approved by such Judge, shall be returned to and recorded by the Clerk of the Superior Court in the County where the cause of action arose, and thereupon the sum specified therein shall be paid immediately by the company to the party entitled to the same, or the Judge may order the same to be paid immediately into the hands of said Clerk, to be

delivered by him on demand to said party, and the costs of such proceeding shall be taxed by said Judge and paid by said Company, and he may issue execution therefor and for such damages.

SEC. 6. 1868. — When it shall be necessary to cut or otherwise disconnect the wires of any telegraph company, or remove them from the poles or fixtures to which they are attached, for the transportation of any object on the highway, any person may do so, exercising reasonable care therein, provided that before doing so he shall leave a statement in writing particularly describing the time when and the place where he wishes to disconnect such wires, at the office of such company, if any there be in the town where such place is situated, twenty-four hours before the time so stated, and if such Company has no office in the same town he shall send such statement to its office nearest to the place named therein—by putting it into the post-office properly directed and stamped three days before the time stated therein.

SEC. 7. 1848.—The stockholders of every Telegraph Company, organized under the laws of this State, shall be jointly and severally liable for the payment of all its debts contracted or due during the time of their holding stock therein, to the extent of twenty-five per cent. of the amount of stock held by them respectively, if a judgment thereon shall have been obtained by the claimant against the Company and an execution thereon shall have been returned unsatisfied, or if such Company shall be dissolved.

SEC. 8.—Telegraph Companies shall receive dispatches for any person and for other telegraph lines, and shall transmit them in the order of time in which they are received on payment at their usual charges, under the penalty of one hundred dollars for every neglect so to do, to be recovered with costs by the party aggrieved; but arrangements may be made with publishers of newspapers for the transmission of news out of its gen-

eral order, and all communications for Officers of Justice shall take precedence of all other dispatches.

CHAPTER 4.

SEC. 34. 1848, 1868.—Every person who shall unlawfully and intentionally injure or destroy any of the lines, posts, piers or abutments, or the material or property belonging thereto, of any telegraph company, or shall wilfully or recklessly interrupt the use of any telegraph wires, without first giving to such Company the notice required by law, shall be fined not more than two hundred dollars, or imprisoned not more than one year, or both.

CONNECTICUT.

PUBLIC ACTS OF 1881.

CHAPTER XLII.

An Act Concerning Telephone and Telegraph Lines.

Be it enacted by the Senate and House of Representatives in General Assembly convened.

Prescriptive right not acquired for telegraph or telephone lines. No person or corporation building and maintaining telephone or telegraph wires in this State, shall by reason of any occupation or use of any building or lands for the support of the wires of said person or said company, or by reason of said wires passing over or through any buildings or lands, acquire by the continuance of such use or occupation any prescription right to occupy or use the same.

Approved, March 22, 1881.

CONNECTICUT.

PUBLIC ACTS OF 1882.

CHAPTER LXXXIII.

An Act Amending an Act Relating to Taxation of Corporations.

Be it enacted by the Senate and House of Representatives in General Assembly convened.

Section 10 of Chapter five, title twelve of the General Statutes (page 169), is hereby amended by inserting the words "or telephone" after the word "telegraph," wherever the same occurs in said section; and further by inserting the words "or telephone" after the word "telegraph" wherever the same occurs in said section, so that said section shall read as follows:

SEC. 10. The secretary, treasurer, superintendent or manager of each telegraph or telephone company doing business in this State, shall within the first ten days of October, annually, deliver to the comptroller a sworn statement of the year's amount of receipts for telegraphic or telephonic messages at each of its offices or places of doing business in this State; and each of said companies shall within the first twenty days of October, annually, pay to the State two per cent. of the gross amount of all receipts for telegraphic or telephonic messages paid to it in this State during the year preceding the first day of said month of October, which sum shall be in lieu of all other taxes upon its estate used exclusively in its telegraphic or telephonic business; but when any such telegraph or telephone company shall fail to make such returns, the treasurer may accept from it ten thousand dollars in lieu of the sum then due under this section.

Approved, April 12, 1882.

CONNECTICUT.

PUBLIC ACTS OF 1883.

CHAPTER CXIX.

An Act Relating to Telegraph Companies.

Be it enacted by the Senate and House of Representatives in General Assembly convened.

Delivery of dis-
patches.

Every electric telegraph company engaged in the business of despatching messages for the public, shall, in towns where no free delivery is maintained, deliver all despatches to the persons to whom the same are addressed, or their agents, by messenger, upon prepayment by the person sending such despatch of any charge due for such delivery, provided such persons addressed, or their agents, reside within one mile of the telegraph station to which the despatch is sent, under a penalty of twenty dollars, to be recovered by the persons to whom the despatch should have been delivered as aforesaid, in an action on this statute.

Approved May
1, 1883.

D A K O T A .

PENAL CODE, 1877.

CHAPTER LVI.

OF MALICIOUS MISCHIEF.

Every person who discloses the contents of any tele- SEC. 718.
graph dispatch, or any part thereof, addressed to an- Disclosing tele-
other person, without the permission of such person, to graph mes-
his loss, injury or disgrace, is guilty of a misdemeanor. sage.

Every person having in his possession any telegraphic SEC. 719.
dispatch addressed to another maliciously secretes, con- Secreting same
ceals or suppresses the same, is guilty of a misde-
meanor.

D A K O T A .

LAWS OF 1881.

CHAPTER 132.

TAXATION OF TELEGRAPH COMPANIES.

An Act to provide for the payment of Taxes by Tele-
graph Companies, and granting the Right and Power
to use Highways and Roads to Telegraph Companies.

Be it enacted by the Legislative Assembly of the
Territory of Dakota :

The owners of any telegraph line constructed and in SEC. 1.
operation, or that may hereafter be constructed and op- Tax.
erated within the limits of this Territory, excepting
only lines owned by the United States Government,
shall pay to the Territory, an annual tax of thirty (30)
cents per mile for every mile of route occupied in lieu of
all other taxes which shall be paid in January of every
year to the territorial treasurer.

SEC. 2.

Tax a lien, line
may be sold.

This Territory shall have a lien upon any line constructed, and in use as aforesaid, and all its appurtenances, for all taxes which may accrue to the Territory by virtue of the foregoing section; and in case the tax in whole or in part, shall not be paid by the first day of February of every year, it shall be the duty of the Territorial Treasurer to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published at the seat of government, by giving three weeks previous notice, and to sell the same accordingly, for the amount of tax and interest and charges of sale, provided the same shall not be paid before the time of sale, and the surplus money, if any, shall be paid to the owner or owners of said line, after deducting the expenses of advertising and selling the same.

SEC. 3.

Right of way
granted.

There is hereby granted to the owners of any telegraph line owned and operated in this Territory, the right and power to use the public roads and highways in this Territory on the line of their route, for the purpose of erecting posts or poles on or along the same to sustain the wires or fixtures; provided that the same shall be so located as in no way to interfere with the safety or convenience of ordinary travel on or over the said roads or highways.

SEC. 4.

All acts, or parts of acts, conflicting with the provisions of this act are hereby repealed. This act is to take effect and be in force from and after its passage.

SEC. 5.

Approved, March 5, 1881.

DAKOTA.

L A W S O F 1883.

CHAPTER 109.

TELEGRAMS.

An Act to amend Section 718 of the Penal Code.

Bill enacted by the Legislative Assembly of the Territory of Dakota.

SEC. 1.

That section seven hundred and eighteen of the Penal

Code be and the same is hereby amended, to read as follows :

Section seven hundred and eighteen. Every person who discloses the contents of any telegraphic dispatch, or any part thereof, addressed to another person, without the permission of such person, except upon the lawful order of a Court or the Judge thereof, to his loss, injury or disgrace, is guilty of a misdemeanor.

All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

This act shall take effect and be in force from and after its passage and approval.

Approved February 21, 1883.

CHAPTER 110.

TELEPHONES.

An Act to amend Chapter 132 of the General Laws passed at the Fourteenth Session of the Legislative Assembly of this Territory.

Be it enacted by the Legislative Assembly of the Territory of Dakota.

That section 3 of chapter 132 of Session Laws of 1881, be and the same is hereby amended by adding after the words "telegraph line" in the second line thereof, the words "or telephone line or exchange"; and by adding after the word "public," in the third line thereof, the words "grounds, streets, alleys."

That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

That this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1883.

Penalty for betraying contents of telegrams.

Sec. 1.
Telegraph companies granted certain rights.

Sec. 2.

Sec. 3.

LAWS OF DELAWARE.

REVISED CODE, 1952. AS AMENDED, 1874.

CHAPTER 128.

OFFENCES AGAINST PRIVATE PROPERTY.

SEC. 19,2883.
Injuring tele-
graph.

If any person shall wilfully and maliciously cut down, or injure any pole, or shall cut, break, or displace any wire of any telegraph company of this State, so as to obstruct telegraphic communications, he shall forfeit and pay to such company, or to any one who will sue for the same, twenty-five dollars for the first offence, and fifty dollars for every subsequent offence; and when such penalty is sued for and recovered by any other than an agent of such company, one-half of the same shall be for the use of the informer. There shall be no stay of execution on any judgment for such penalty, and if the plaintiff in such judgment, shall make affidavit that the defendant has not sufficient property in the county to satisfy the same, the defendant shall be committed to prison for one month.

SEC. 2884.
Wires, how fixed.

Telegraph wires shall be attached to the poles at least twelve feet above the ground, except where they enter a house; and if any agent of a telegraph company having supervision of the line, shall suffer this provision to be violated for ten days after notice by mail, directed to him, at the post office nearest his residence, he shall forfeit and pay twenty dollars, to any one who will sue for the same.

LAWS OF DELAWARE.

VOL. XVI, PART 2.

CHAPTER 504.

OF THE CITY OF WILMINGTON.

The Mayor and council of Wilmington, shall have ^{SEC. 1.} power and authority to levy and collect taxes upon all ^{Telegraph poles taxable.} telegraph poles erected within the limits of the city of Wilmington, and the city council may by ordinance prescribe the mode of levying and collecting the same; in case any of the owners or lessees of telegraph poles ^{Power to remove the same.} erected within said city, shall refuse or neglect to pay the taxes that may be levied upon such poles, the city council have authority to cause the same to be removed, and may institute suit to recover the amount of taxes so ^{Recovery of taxes.} levied and the expenses incident to the removal of such poles.

Passed at Dover, February 10th, 1881.

LAWS OF FLORIDA.**CHAPTER 781.**

SEC. 1.

Be it enacted by the Senate and House of Representatives of the State of Florida in general Assembly convened, That at any time hereafter any ten or more persons, of whom at least five shall be citizens of the State of Florida, who shall be desirous to form a company for the purpose of projecting or extending or erecting any line or lines of telegraph through this State, or from one point of this State to another, or from any point in this State to and into any other State or country, may make, sign and file in the office of the Secretary of State of this State a certificate in writing in which shall be stated the corporate name of said company, and the objects of which said company is formed, the amount of which each of said persons subscribed, and the amount of the capital stock of the said company; the number of shares of which the said stock shall consist; the number of trustees or directors, and their names, who shall manage the concern of the said company for the first year, and the points in this State from and to or through which the said line or lines may be extended.

SEC. 2.

Be it further enacted, That as soon as such certificate shall be filed as aforesaid, the persons who shall have signed the said certificate, and their successor, shall, after the day of filing such certificate, be a body politic and corporate by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall, in law, be capable of suing and being sued, pleading and being impleaded, and answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matter and causes whatsoever; and they and their successor may have a common seal, and the same may make, alter and change at their pleasure; and they and their successors, by their

corporate name, shall, in law, be capable of buying, purchasing, holding and conveying any lands and tenements necessary to enable the said company to carry on their business and operations.

Be it further enacted, That the stock, property and SEC. 3. concerns of said company shall be managed by five trustees or directors, five of whom shall be citizens of this State, who, except those for the first year, shall be elected at such time and place as shall be directed by the by-laws of said company, and public notice shall be given of the time and place of holding such election, not less than ten days previous thereto, in the newspaper nearest to the place where such election is to be held within this State; and the election shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock; and the persons having the greatest number of votes shall be trustees; and whenever any vacancies shall happen among the trustees by death, resignation, or removal out of the State, such vacancy shall be filled for the remainder of the year in such manner as shall be provided by the by-laws of the said company.

Be it further enacted, That in case it shall at any SEC. 4. time happen that an election of trustees be not made on the day when, by the by-laws of the said company, it ought to have been done, the said company, for that cause, shall not be dissolved, but it shall and may be lawful, on any other day, to hold an election for trustees, in such manner as shall be directed by the by-laws of such company.

Be it further enacted, That the capital stock of any SEC. 5. company organized under this act may be increased to such an amount as the stockholders, or a majority of them, may from time to time declare and determine to be necessary to effect the objects of the association.

Be it further enacted, That it shall be lawful for SEC. 6. any company which shall organize under this act to contract for and purchase from any person or persons, corporations or governments, any grants, concessions or

privileges of whatever nature, which they may desire for the prosecution of their enterprise, and to issue stock to the amount of the costs of such concessions, grants and privileges, in payment therefor; and the stock so issued shall be declared and taken to be full stock, not liable to any call or demand whatsoever, provided that all such concessions, grants or privileges shall be necessary or material to the objects of the association; and provided also that no banking privileges shall be acquired or exercised by any company organized under this act.

SEC. 7.

Be it further enacted, That each and every stockholder shall be individually liable to the creditors of said corporation for so much as may remain unpaid upon his or her subscription, and no further.

SEC. 8.

Be it further enacted, That no organization made under this act, shall bear the name of any previous organization, or company which may have been formed under this act.

SEC. 9.

Be it further enacted, That every company to be organized under this Act, that shall not commence active operations in this State, within twelve months from filing the certificates of organization, in the office of the Secretary of State, shall be and is hereby declared divested of all the privileges acquired under this Act, and the said organization shall be deemed and held to be dissolved and void.

SEC. 10.

Be it further enacted, That the stockholders of any company organized under this Act, or a majority of them, shall have power to establish and ordain such by-laws, rules, and regulations for the government of said company, and for the appointment of such officers and servants deemed necessary as may seem to them expedient, and from time to time, alter, change, or amend the same in such manner as the said stockholders, or a majority of them may determine.

FLORIDA.

CHAPTER 782.

Be it enacted by the Senate and House of Representatives of the State of Florida, in general assembly convened, That any company or individual may erect posts and wires and other fixtures for telegraph purposes, on or beside any public road or highway in this State. SEC. 2.

Provided—That such posts, wires, or fixtures in no case be so set or placed as to obstruct, hinder, or in any way interfere with the common uses or business of said roads or highway.

Be it further enacted, That if any person shall willfully destroy, damage, or in any way injure said telegraph posts, wires or fixtures, he, she, or they so offending shall be deemed guilty of a misdemeanor, and may be indicted in the Circuit Court of the county, where such damage may be done, and shall, on conviction, be fined not less than fifty dollars, or imprisonment in the common jail of the county, not less than six months, or by both such fines and imprisonment, at the discretion of the jury, and if there be no jail in said county then in any jail in the circuit court or district. SEC. 3.

Be it further enacted, That the Circuit Judge of the State shall give this Act in special charge to the Grand Jury, at every term of their Court. SEC. 3.

LAWS OF GEORGIA.

CODE 1873.

Act of 28th of January, 1873. Page 518.

SEC. 3022.

Any person, or any duly incorporated telegraph company, having the right to do business in this State shall have the right to construct, erect and maintain upon the right of way of the several railroad companies in this State, and along the lines thereof, their posts, fixtures and wires, and to operate the same.

SEC. 3023.

Said fixtures, posts and wires shall be erected at such distances from the tracks of said railroads as will prevent any and all damages to said railroad companies, by the falling of said fixtures, posts or wires upon said railroad tracks, and such telegraph companies shall be liable to said railroad companies for all damages resulting from a failure to comply with the provisions of this section.

SEC. 3024.

Whenever any person or telegraph company may hereafter propose to construct a telegraph line upon the right of way of any railroad company, or have heretofore constructed in whole or in part, a telegraph line upon the right of way of any railroad company, and the amount of compensation for the right of way so taken cannot be agreed upon between said person, or telegraph company and the railroad company, the said amount shall be determined as follows : The railroad company shall elect one commissioner, and the person, or telegraph company shall elect another, and these two shall elect a third, and the three persons thus selected, or a majority of them, shall determine said amount, and the same shall be paid by the person, or telegraph company, to the railroad company ; the award of such commissioners shall be returned by them within ten days after making the same, to the Superior Court

of the county wherein is situated the principal office of said railroad company, and shall, upon motion, be made the judgment of said Court upon which judgment execution may issue against the property of said person, or telegraph company, provided that either party may, upon notice to the opposite party, within ten days after the rendition of said award, file, in said Superior Court, objection to the same, and upon said objections an issue shall be made up, and the same shall be tried and determined at the first term, by the Court and jury, as in other cases at law, and provided further that in all cases where an appeal shall be taken from the award of said commissioners, and the said person, or telegraph company, shall have tendered to the railroad company the amount of said award, such person, or telegraph company, shall be authorized to proceed in the construction of said telegraph line upon the right of way of said railroad, upon giving to said railroad company a bond with good security, in an amount to be fixed by the judge of said Court, for the payment of the amount which may be awarded by the jury upon the trial of said appeal.

If any person shall wilfully destroy, damage, or in any way injure the posts, wires or fixtures, of any magnetic telegraph company in the State, he shall be guilty of a misdemeanor and, on conviction, shall be punished as prescribed in section 4,310 of this Code. Act of 1874. Sec. 4330.

Accessories after the fact, except where it is otherwise ordered in the Code, shall be punished by a fine (not to exceed one thousand dollars, imprisonment not to exceed six months, to work in a chain-gang on the public works not to exceed twelve months, and any one or more of these punishments may be ordered, in the discretion of the judge. Sec. 4310.

GEORGIA.**ACTS OF 1880-1.****PART I.****PUBLIC LAWS, TITLE 9, JUDICIARY.****No. 218, SUITS AGAINST TELEGRAPH COMPANIES.**

An Act to provide for fixing the venue suits against telegraph companies, and to provide for service in such cases, arising within the State of Georgia.

SEC. 1.

Venue of cases
against tele-
graph com-
panies.

Be it enacted by the General Assembly of the State of Georgia, That from and after the passing of this act, whenever any person may have any claim or demand upon any telegraph company having offices or more than one place of doing business in this State, it shall be lawful for such person or persons to institute suit against such telegraph company within the county where the principal office of such company is located, or in any county where such telegraph company may have an agency or place of business, or where such place of business was located at the time the cause of action occurred, or the contract was made out of which said cause of action arose.

SEC. 2.

Service upon
telegraph
companies.

Be it further enacted by the authority aforesaid, That in all suits brought under the provisions of section one of this Act, service shall be effected upon such telegraph company by leaving a copy of the bill or writ with the agent of the company if any ; if no such agent should be in the county, then at the agency or place of doing business, where the same was located at the time such cause of action occurred, or the contract was made, out of which the same arose.

Be it further enacted by the authority aforesaid, That SEC. 3.
all laws and parts of laws in conflict with this Act be,
and the same are hereby repealed.

Approved, September 15, 1881.

GEORGIA.

PUBLIC ACTS OF 1882.

Be it further enacted by the authority aforesaid, That SEC. 8.
all telegraph and telephone companies doing business in
this State, shall pay a tax of one per cent. on their gross
receipts, and the superintendent or general agent of each
telegraph and telephone company doing business in the
State, shall make a quarterly return under oath, as fol-
lows: On the last day of March, June, September and
December of each year, to the Comptroller-General,
showing an account of their gross receipts during the
quarter ending on that day, and said taxes herein levied
upon such gross receipts as shown by said quarterly
returns shall be paid by the respective companies to the
Comptroller-General at the time of making said return.

LAWS OF ILLINOIS.

IN RELATION TO TELEGRAPH COMPANIES.

REVISED STATUTES ILLINOIS.—1874.

CHAPTER 134.

An Act to revise the laws in relation to Telegraph Companies (approved March 24th, 1874. In force July 1st, 1874).

[*This act applies to all Telegraph Companies.*]

SEC. 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, that every company heretofore incorporated under any general or special law, or which may be incorporated under any general law of this State, for the construction or operation of any Telegraph line through or in this State, shall possess the powers and privileges and be subject to the duties, restrictions, and liabilities prescribed in this act.

SEC. 2. [*Eminent Domain.*]

2. Every such company may enter upon any lines for the purpose of making surveys and examinations with a view to the erection of any telegraph line, and take and damage private property for the erection and maintenance of such lines, and may, subject to the provisions contained in this act, construct lines of telegraph along and upon any railroad, road, highway, street or alley, along or across any of the waters or lands within this State, and may erect poles, posts, piers or abutments for supporting the insulators, wires and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the railroad, highway, street or alley, or interrupt the navigation of such waters. [I. L. 1840. P. 188, 5.]

SEC. 3. [How compensation made.]

3. When it shall be necessary for the construction, alteration or repair of any line of telegraph to take or damage any property, the same may be done, and the compensation thereof ascertained and made in the manner which may be at that time provided by law for the exercise of the right of eminent domain. [See "Eminent Domain" Ch. 47. L. 1849. P. 188, 6.]

[Consent necessary to erect poles, etc., on roads, streets, etc. Record. Alteration.]

SEC. 4. No such company shall have the right to erect any poles, posts, piers, abutments, wires or other fixtures of their lines along or upon any road, highway, or public ground outside the corporate limits of a city, town, or village, without the consent of the county board of the county in which such road, highway, or public ground is situated, nor upon any street, alley, or other highway or public ground within any incorporated city, town, or village, without the consent of the corporate authorities of such city, town or village. The consent herein required must be in writing and shall be recorded in the recorder's office of the county. And such county board, or the city council or board of trustees of such city, town or village, as the case may be, shall have power to direct any alterations in the location or erection of any such poles, posts, piers, or abutments, and also in the height of the wires, having first given the company or its agents opportunity to be heard in regard to such alteration.

[Penalty for Injuring Telegraphs.]

SEC. 5. Any person who shall unlawfully and intentionally injure, molest or destroy any of said lines, posts, piers or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding \$500, or imprisonment in the penitentiary not exceeding one year, or both, at the discretion of the court having

cognizance thereof. Prosecutions under this act shall be by indictment in any court having criminal jurisdiction. [See "Crim. Code," ch. 38, 197. L. 1849, p. 189, 7.]

[Refusal to receive or transmit despatches.]

SEC. 6. If any company or persons owning or operating any telegraph line in this State, shall refuse to receive any despatch from any other company or person owning or operating any telegraph line in this State, or shall refuse or wilfully neglect to transmit the same in good faith, and without partiality, the company or person so offending, shall forfeit all rights and franchises acquired under the laws of this State, and shall forfeit all right to transact telegraph business in this State, and may be enjoined therefrom by bill of complaint, filed in any court of competent jurisdiction, and be liable to pay all damages which shall accrue, by reason of such refusal to the company or person offering such despatch for transmission. [L. 1849, p. 189, 9.]

[Messages sent in order of reception—Suppression—Revealing Contents.]

SEC. 7. It shall be the duty of all persons employed in transmitting messages by telegraph, to transmit them in the order in which they are received; and any person who shall fail so to transmit a message, or who shall suppress a message, or who shall make known the contents of a message to any person other than the one to whom it is addressed, or his agent, shall be deemed guilty of a misdemeanor, and be punished by a fine not exceeding \$1,000. [L. 1849, p. 189, 11.]

[Transmitting Falsehoods.]

SEC. 8. Whoever shall transmit, or cause to be transmitted, by telegraph, from any place in this State to any other place in this State, or elsewhere, any falsehood, knowing the same to be such, shall be fined in any sum not exceeding \$500. [L. 1861, p. 211, 1.]

[*Aiding Rebellion, Riot, &c.*]

SEC. 9. Any person who, for the purpose of inciting or aiding rebellion, riot or insurrection in this State against the government or laws of this State, or of the United States, or a hostile invasion of this State, shall transmit or cause to be transmitted by telegraph any communication whatever, shall be imprisoned in the penitentiary not exceeding ten years. [2d L. 1861, p. 21-2.]

[*Penalty.*]

SEC. 10. Any telegraph operator or person employed in any telegraph office in this State, or any other person, who shall knowing the designs thereof, deliver, or cause to be delivered any communication prohibited by the preceding sections of this act, to any person other than the proper officers, agents or employees of this State, or the United States, shall be subject to indictment, and, on conviction, to the punishment provided in said section. [2d L. 1861, p. 21-3.]

ILLINOIS.

LAWS OF ILLINOIS, 1883, PAGE 173.

An Act to permit the use of public highways, streets and alleys, and private roads leading to such highways, streets and alleys outside of Incorporated Cities, Villages and Towns, for the purpose of constructing, operating and maintaining private lines of telegraph, or telephone, and to provide penalties, etc.

Be it enacted by the People of the State of Illinois, represented in the General Assembly; That it shall be lawful for any person, or persons living on the line of any public highways, street or alley, outside of any in-

SEC. 1.
Whomay construct telegraph and telephone lines.

corporated city, village or town in this State ; or on any private road leading to such highway, street or alley, to construct, operate, and maintain a line or lines of telegraph or telephone, extending from house to house, as the parties interested in the construction of such lines may desire.

SEC. 3.
Poles in Streets

For the purpose of constructing and maintaining such lines of telegraph or telephone ; the parties in interest may set the necessary poles, or posts on which to place the wires and insulators of such lines, in any of the public streets, highways or alleys, or in any private road leading to such highways, streets or alleys outside of incorporated cities, villages or towns in this State, along which such lines may pass

Provided, such poles or posts shall be placed along the boundaries of such highways, streets or alleys, at such distances therefrom as the authorities having control thereof, may direct.

And provided, further, That the wires necessary for such lines shall not be less than fifteen feet above the ground, along such boundaries, and not less than twenty feet at any public or private crossing, and shall be so placed, as not in any manner to interfere with such crossing.

SEC. 2.
Penalty for in-
juring

Any person who shall unlawfully and intentionally injure, molest or destroy any of said lines, or the material or property belonging thereto, or shall in any manner interfere with the proper working of such lines, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars ; said fine to be recoverable in any Court having jurisdiction of the same.

Provided, That prosecution under the foregoing provision of this section shall not in any manner prevent a recovery by the person or persons entitled thereto, of the amount of damages done to such lines.

Approved June 18, 1883.

In force, July 1, 1883.

INDIANA.

REVISED STATUTES, 1881.

CORPORATIONS.--TELEGRAPH COMPANIES.

CHAPTER 42.

ARTICLE 1. INCORPORATION.

1. Any number of persons may form themselves into ^{SEC. 4162.}
a corporation for the purpose of establishing, maintain- ^{May be formed.}
ing and operating lines of electric telegraph within the
State of Indiana.

2. Any company formed under this act shall comply ^{SEC. 4163.}
with the following requirements, to wit: It shall unite ^{Articles of As-}
in articles of association, setting forth the name it as- ^{sociation.}
sumes, the points between which said company proposes
to operate lines of telegraph, the amount of capital
stock, and the number of shares into which it is divided.
The names and places of residences of the stockholders,
and the amount of stock taken by each, shall be sub-
scribed to said articles of association, and the same,
when signed by the stockholders, shall be acknowledged
before some officer authorized to take acknowledgments
of deeds, and recorded in the office of the Recorder of each
county through which the same shall run.

3. Not less than three nor more than five directors shall ^{SEC. 4164.}
be elected by the stockholders, who shall hold their of- ^{Election of Di-}
fice for one year and until their successors are elected ^{rectors.}
and qualified. Notice of the election of directors shall
be given by publication, for two weeks successively, in
some newspaper published in the county in which the
principal office of the company is located.

4. Any board of directors elected under this act, may ^{SEC. 4165}

Officers, when
incorporated.

organize by choosing a president (who may also be superintendent of said company), and a secretary (who may also be treasurer of the company), and such other officers as may be necessary to carry out the purposes of the organization; and from thence shall be known by its corporate name, and shall be capable of suing and being sued, pleading and being impleaded, defending and being defended, in any Court of competent jurisdiction.

Sec. 4106.
Seal.
Powers.

5. Such company may have a common seal, and the same alter or change at pleasure. It shall have power to acquire by purchase or otherwise, hold, and convey such real and personal estate as may be necessary and proper for the purpose of erecting and keeping in repair its lines of telegraph, and the buildings requisite for their operation. Said corporation may continue for a term not exceeding fifty years. Such corporation shall have power to acquire such real estate and rights-of-way as may be necessary for the uses and purposes herein contemplated under the writ of assessment of damages, as fully as if the act in relation to said writ were incorporated and made part hereof.

Sec. 4107.
By-Laws.
Record Book.
Evidence.

6. The board of directors shall provide a code of by-laws for the government of the corporation and the management of its business; and shall cause to be kept a fair record of its proceedings in a book provided for that purpose, and such record, or copies duly attested by the secretary, may be read in evidence when the interests of said corporation are concerned.

Sec. 4108.
Powers.

7. All telegraph companies organized under this act shall have power to lease or attach to other telegraph lines, by lease or purchase.

Sec. 4109.
Railroad companies may
be stockholders.

8. A railroad may become a stockholder in any telegraph company.

Sec. 4170.
Assessments.
increase of capital.

9. The Board of Directors shall have power to make assessments, from time to time, on the stock, for the purpose of repairing or extending its lines; and shall

also have the power, with the consent of a majority of stockholders, of increasing its capital stock for the purpose aforesaid.

10. The Board of Directors shall, in its by-laws, Sec. 4171.
By-Laws as to stock. determine the manner in which the stock of the company shall be held and conveyed.

11. Every stockholder shall be liable, in his individual capacity, for any contract, debt or engagement of such company to an amount over and above his stock, equal to the amount of the par value of his stock. Sec. 4172.
Liabilities of stockholders.

ARTICLE 2—POWERS AND DUTIES.

2. Any of said companies, through its Board of Directors, with the consent of a majority of the stockholders, shall have power to reduce its capital stock to any amount not below the actual cost of construction. Sec. 4173.
May reduce capital stock.

3. The officers and directors of said telegraph companies shall hereafter be elected from among the stockholders residing in this State, or at some point in any of the adjoining States where any of said companies shall have a telegraph station. Sec. 4174.
Residence of directors.

4. All irregularities or defects in the organization of said telegraph companies are hereby legalized : Sec. 4175.
Organization legalized.

Provided, that this section shall not be construed in such a manner as to prejudice the rights of citizens of this State, nor in such a manner as to allow such companies to institute any suit or suits against the inhabitants of this State which they are not allowed to institute by the laws of the State.

1. Every electric telegraph company with a line of wires wholly or partly in this State, and engaged in telegraphing for the public, shall, during the usual office hours, receive despatches, whether from other telegraphic lines or from individuals, and, on payment or tender of the usual charge, according to the regula- Sec. 4176.
Duties as to dispatches, penalty.

tions of such company, shall transmit the same with impartiality and good faith, and in the order of time in which they are received, under penalty, in case of failure to transmit, or if postponed out of such order, of one hundred dollars, to be recovered by the persons whose despatch is neglected or postponed.

Provided, however, That arrangements may be made with the publishers of newspapers for the transmission of intelligence of general and public interest out of its order, and that communications for and from offices of justice shall take precedence of all others.

1. This is a penal statute, and must be construed strictly. (W. U. Tel. Co. *vs.* Hamilton, 50 Ind., 181.)

2. The fact that the act of negligence occurred at an office on the line out of this State, will not bar a recovery here. (*id.*)

3. The plaintiff, in an action against a telegraph company, must aver that "the defendant was engaged in telegraphing for the public." (W. U. Tel. Co. *v.* Axtell, 69 Ind., 199.)

SEC. 4177.
Negligence and
disclosure
damages.

2. Telegraph companies shall be liable for special damages occasioned by failure or negligence of their operators or servants, in receiving, copying, transmitting or delivering despatches, to or for the disclosure of the contents of any private despatch to any person other than to him to whom it was addressed or his agent.

1. Special damages recoverable under this section cannot be barred by regulations of the company concerning the repeating of messages. (W. U. T. Co. *v.* Meek, 49 Ind., 53.)

2. If a message be couched in decent language the company is bound to transmit it without inquiry as to the motives of the sender. (W. U. Tel. Co. *v.* Ferguson, 59 Ind., 495.)

3. A telegraph company having a line of wires wholly or partly in this State is liable in damages for the failure of its agent to transmit a message. (W. U. Tel. Co. *v.* Lewelling, 58 Ind., 367.)

4. The plaintiff, to whom a message was sent but not delivered by the company, may recover damages for the nondelivery thereof, although the relation of contractor did not exist between him and company. (W. U. Tel. Co. v. Fenton, 52 Ind., 1.)

3. Such companies shall deliver all despatches, by messenger, to the persons to whom the same are addressed, or to their agents, on payment of any charges due for the same; *Provided* such persons or agents reside within one mile of the telegraphic station or within the city or town in which such station is.

1. Under this section it is the duty of the company to transmit a message, not merely to the telegraph station but to the person addressed.

4. A railroad company may construct a telegraph to connect two or more points on its railroad. And if such railroad company entirely own such telegraph lines, it shall not be bound to telegraph for the public unless it undertakes to do so.

5. Contracts by telegraph between two or more persons shall be considered as contracts in writing.

CHAPTER 5.

CRIMES.

55. Whoever maliciously or mischievously injures any telegraph pole or telephone pole, or the wire or any part of the apparatus thereof, upon conviction thereof shall be fined not more than five hundred dollars nor less than five dollars, and imprisoned in county jail not more than six months nor less than thirty days.

INDIANA.

REVISED STATUTES, 1881.

CORPORATIONS.—TELEPHONE COMPANIES.

CHAPTER 43.

SEC. 4181.
May be formed.

1. Any number of persons may form themselves into a corporation for the purpose of establishing, maintaining and operating telephones, telephone lines and telephone exchanges within the State of Indiana, by complying with the requirements of this act.

SEC. 4182.
Articles of Association.

2. They shall join in the execution of articles of association, setting forth the name assumed, the counties or places within which such company proposes to establish, maintain and operate telephones and telephone exchanges, the amount of capital stock, and the number of shares into which it is divided. The stockholders who incorporate such association shall each sign such articles, giving his place of residence and the amount of stock subscribed for by him, five of whom (if there be so many signers) shall acknowledge the execution of such articles before some officer authorized to take acknowledgments of deeds. And the articles shall thereupon be recorded in the office of the Secretary of State.

SEC. 4183.
When incorporated.

3. As soon as such articles are filed for record in the office of the Secretary of State such company shall be deemed and held to be a corporation by the name specified in the articles of association, and in its corporate name shall be capable of suing and being sued, pleading and being impleaded, defending or being defended in any Court of competent jurisdiction.

SEC. 4184.
Election of directors.
Term.

4. The stockholders shall elect from among their number not less than three nor more than nine directors,

a majority of whom shall be residents of this State, who shall hold office for one year and until their successors are elected. Notice of the election of directors shall be given by publication, for two weeks successively, in some newspaper in the county in which the principal office is located.

5. The principal office of said company shall be maintained in this State. The Board of Directors shall organize within ten days after said election, by choosing one of its members president (who may also be superintendent), and a secretary and a treasurer (which two offices may be filled by the same person), and such other officers as may be necessary.

Sec. 4185.
Principal office
—officers.

6. The Board of Directors shall adopt by-laws for the government of the corporation and the management of its business; and shall cause to be kept a full and complete record of its proceedings in a book provided for that purpose; and such record, or copies duly proved, may be read in evidence when the interest of the corporation are concerned.

Sec. 4186.
By laws.
Records.
Evidence.

7. Such company may have a common seal, which may be altered at pleasure, and shall have power to acquire by purchase or otherwise, and hold and convey, such real and personal estate as may be proper for the purpose of erecting or maintaining its lines of telephone and the appliances and building requisite for its business; and shall have the right to acquire such real estate and rights of way as may be necessary for its business, under the writ of assessment of damages, as fully as if the act in relation to said writ were incorporated in this act and made part of the same. The life of a corporation organized under this act shall be limited to fifty years.

Sec. 4187.
Seal.
Powers.

8. Any telephone company organized under this act shall have power to lease, or attach to other telephone lines or exchanges by lease or purchase.

Sec. 4188,
Powers.

9. A railroad company may become a stockholder in any telephone or telephone exchange company.

Sec. 4189.
Railroads may
be stockholders.

SEC. 4190.
Liability.

10. A telephone company shall not be liable for errors in messages or communications, except when such messages or communications are transmitted under contract directly by agents or employees of the company; nor shall it be liable for any special damage sustained by a failure of its instruments to work, beyond a rebate of the rent charged for the time such instrument failed to work.

SEC. 4191.
Stock.

11. The Board of Directors shall have power to make assessments, from time to time, on the stock, to the extent, in the aggregate, of its face value, for the purpose of repairing or extending its lines; and it may also, with the consent of a majority of the stockholders, increase the capital stock for the purpose aforesaid, it may also, in its by-laws, determine the manner in which the stock of the company shall be held and assigned.

SEC. 4192.
Liability of
stockholders.

12. Every stockholder shall be liable, in his individual capacity, for any contract, debt, or engagement of such company to an amount, over and above his stock, equal to the face value of his stock.

INDIANA.

REVISED STATUTES, 1881.

CRIMES.

CHAPTER 5.

ART. 8.—AGAINST PUBLIC POLICY.

SEC. 2128.
Disclosing con-
tents of tele-
grams.

218. Whoever, being an operator, clerk, servant or messenger of any telegraph company, discloses the contents of any dispatch or message sent or received from any

office of such company, except to a Court of Justice, or to a person authorized to know the same, shall be fined not more than five hundred dollars, nor less than ten dollars.

INDIANA.

REVISED STATUTES, 1881.

TAXATION.

CHAPTER 98.

ART. 9.—FOREIGN CORPORATION.

85. Any joint stock association or corporation engaged in transmitting to, from, through or in this State, telegraphic messages, and incorporated under the laws of any other State, shall be deemed and be held a telegraph company. Every such telegraph company shall, annually, between the first day of April and the first day of May, make and deliver to the Auditor of State, a statement, verified by the oath of the officer or agent of such company making the report, showing the entire receipts of each agent of such company, doing business in this State for the year then next preceding the first day of April, for and on account of such company, including its proportion of gross receipts for business done by such company in connection with the lines of other companies: *Provided*, That nothing herein contained shall release such telegraph companies from the assessment and taxation of its tangible property in this State in the manner that other tangible property is assessed and taxed. Such company, in making statements of such receipts, shall include, as such all sums

SEC. 6953.
Telegraph companies.

earned, or charged in the business for such preceding year, whether actually received or not. Such statement shall contain an abstract of the amount received in each county, and the total amount received for all the counties. In case of the failure or refusal of such telegraph company to make such statement before the first day of May, it shall then be the duty of each local agent of such telegraph company within this State, annually, between the first day of May and the first day of June, to make out and forward to the Auditor of State a similar verified statement of the gross receipts of his agency for the year then next preceding the first day of April. When such statement is made, such telegraph company shall, at the time of making the same, pay into the Treasury of the State, the sum of one dollar on each one hundred dollars of such receipts. Any such telegraph company failing or refusing for more than thirty days after the first day of June in each year, to render an accurate account of its receipts in a manner above provided, and to pay the required tax thereon, shall forfeit one hundred dollars for each additional day such payment and statement shall be delayed, to be recovered by an action in the name of the State of Indiana, on the relation of the Auditor of State, in any Court of competent jurisdiction, and the Attorney-General shall conduct such prosecution, and such company, corporation or association so failing or refusing, shall be prohibited from carrying on said business in this State until such payment is made.

6354. Telephone
Companies.

86. Every telephone company doing business in this State and incorporated under the laws of any other State, shall annually, between the first day of April and the first day of June report to the auditor of State under oath of an officer or agent of such corporation the gross amount of all its receipts in the State of Indiana for the year immediately preceding the first day of April, and shall, at the time of making such report, pay into the treasury of the State the sum of twenty-five cents on every one hundred dollars of such receipts. Any such

telephone company failing or refusing for more than thirty days after the first day of June, to render an accurate account of such gross receipts as above provided, and to pay the required tax thereon shall forfeit ten dollars for each additional day such report and payment shall be delayed to be recovered in an action, in the name of the State of Indiana, or the relation of the Auditor of State, in any Court of competent jurisdiction, and the Attorney-General shall conduct such prosecution; and such telephone companies so failing or refusing shall be prohibited from carrying on said business until such payment is made.

INDIANA.

REVISED STATUTES, 1881.

CORPORATIONS—RAILROADS—AFTER ORGANIZATION.

CHAPTER 38.

ART. 3.—FRANCHISES.

Any railroad company, now or hereafter law-^{SEC. 4018,} fully organized, and owning or operating under^{Telegraph} lease or otherwise, railroads in this State, is hereby authorized and empowered to construct, maintain, own and operate lines of telegraph upon and along the route and right of way of the railroad or railroads owned or operated by it, and such additional distances beyond the termini of the main line or branches of such road or roads, or from such points on the main line or branches thereof, as may be necessary to reach business centres, for its own and also for the public or commercial uses, and to connect and operate the same for

^{Lines.}

like use in connection with the telegraph lines of other railroads or telegraph companies or individuals in this or any other State, as to form a continuous line, upon such terms and conditions, for the interchange and forwarding of business, as may be mutually agreeable to the parties, and to charge, collect and receive reasonable and customary rates for transmission of telegrams thereupon.

A railroad company may take stock in a telegraph company, or construct telegraph lines on its own road.

SEC. 4019.
Companies sub-
ject to regu-
lations.

2. That it shall be lawful for any such company as is named in the preceding section to acquire, upon terms mutually agreeable to the parties, the right to construct lines of telegraph or to acquire telegraph lines already constructed upon and along the line of any other railroad or railroads in this or any other State, and to maintain and operate the same separately or in connection with their own line, for the transmission of its own or public or commercial telegrams, and charge and collect customary rates therefor: Provided, That all railroad companies owning or operating any telegraph line or lines under the provisions of this Act, shall be subject to all the regulations, penalties and liabilities of telegraph companies, as are now or may hereafter be provided by law, when receiving, transmitting and delivering messages for the public or any individual or company.

INDIANA.

Acts of the General Assembly of The State of Indiana,
1883.

CHAPTER 8. An act to punish persons who disclose the contents of messages or conversations sent over telephone lines.

[In force after due publication and circulation by authority.]

SEC. 0577.

1. Be it enacted by the General Assembly of the

State of Indiana. That any operator, clerk, servant, messenger or employee, of any telephone company doing business in this State, who discloses the contents of any despatch or message, or any conversation had between persons while using the line of any telephone company, except to a Court of Justice, or to a person entitled to know the same, shall be fined not more than five hundred dollars, nor less than ten dollars.

Disclosing telephone conversation or message.

Approved February 13, 1883, R. S. 1881, Sec. 2128.

They shall join in the execution of articles of association, setting forth the name assumed, the counties or places within which such company proposes to establish, maintain and operate telephones and telephone exchanges, the amount of capital stock, and the number of shares into which it is divided. The stockholders who incorporate such an association, shall each sign such articles, giving his place of residence, and the amount of stock subscribed for by him, five of whom (if there be so many signers) shall acknowledge the executing of such articles before some officer authorized to make acknowledgments of deeds, and the article shall thereupon be recorded in the office of the Secretary of State.

Sec. 2.
Articles of Association.

As soon as such articles are filed for record in the office of the Secretary of State, such company shall be deemed and held to be a corporation, by the name specified in the articles of association, and in its corporate name shall be able of suing or being sued, pleading or being pleaded, defending or being defended in any Court of competent jurisdiction.

Sec. 3.
Articles filed in office of Secretary of State.

The stockholders shall elect, from among their number, not less than three nor more than nine directors, a majority of whom shall be residents of this State, who shall hold office for one year, and until their successors are elected. Notice of the election of directors shall be given by publication, for two weeks successively, in some newspaper in the county in which the principal office is located.

Sec. 3.
Directors.

The principal office of said company shall be main-

Sec. 4.

Principal office of Company. tained in this State; the Board of Directors shall organize within ten days after their election, by choosing one of their number president, who may also be superintendent, and a secretary and a treasurer—which two offices may be filled by same person—and such other officers as may be necessary.

SEC. 6.
By-Laws.
Record of Proceedings. The Board of Directors shall adopt by-laws for government of the corporation and the management of its business, and shall cause to be kept a full and complete record of their proceedings in a book provided for that purpose, and such record, or copies duly proved, may be read in evidence when the interests of the corporation are concerned.

SEC. 7.
Seal. Acquire, hold, convey real estate. Such company may have a common seal, which may be altered at pleasure, and shall have power to acquire —by purchase or otherwise—and hold and convey such real and personal estate as may be proper, for the purpose of maintaining or erecting its lines of telephone, and the appliances and building requisite for its business; and shall have the right to acquire such real estate and rights of way as may be necessary for its business, under the writ of assessments of damages, as fully as if the act in relation to said writ were incorporated in this act and made part of same. The life of a corporation organized under this act shall be limited to fifty years.

SEC. 8.
To lease or attach other lines. Any telephone companies organized under this act shall have power to lease, or attach to other telephone lines or exchanges by lease or purchase.

SEC. 9.
Railroad company stockholders. A railroad company may become a stockholder in any telephone or telephone exchange company.

SEC. 10.
Not liable for errors. A telephone company shall not be liable for errors in messages or communications except when such messages or communications are transmitted under contract directly by agents or employees of the company, nor shall it be liable for any special damage sustained by a failure of its instruments to work, beyond a rebate of of rent charged for the time such instruments fail to work.

The board of directors shall have power to make assessments from time to time on the stock, to the extent in the aggregate of its face value, for the purpose of repairing or extending their lines, and they may also, with the consent of a majority of stockholders, increase the capital stock for the purpose aforesaid, they may also in their by-laws, determine the manner in which the stock of the company shall be held and assigned.

Sec. 11.
Assessment on
stock.
Increase of
stock.

Every stockholder shall be liable in his individual capacity, for any contract, debt or engagement of such company to an amount over and above his stock equal to the face value of his stock.

Sec. 12.
Stockholder in-
dividually lia-
ble for debts.

An emergency existing thereof, shall be in force from and after its passage.

Sec. 13.
Emergency.

INDIANA.

CHAPTER XCVI.

Every telephone company doing business in this State, and incorporated under the laws of any other State, shall annually, between the first day of April, and the first day of June, report to the auditor of State, under oath of an officer or agent of such corporation, the gross amount of all their receipts in the State of Indiana, for the year immediately preceding the first day of April, and shall at the time of making such report, pay into the treasury of the State the sum of twenty-five cents on every one hundred dollars of such receipts; and any such telephone company failing or refusing for more than thirty days after the first day of June, to render an accurate account of such gross receipts, as above provided, and pay the required tax thereon, shall forfeit ten dollars for each additional day such report and payment shall be delayed, to be recovered in an action

Sec. 86.
Telephone com-
pany.
Annual report.

in the name of the State of Indiana, on the relation of the Auditor of State, in any Court of competent jurisdiction, and the Attorney-General shall conduct such prosecution; and such telephone companies failing or refusing shall be prohibited from carrying on said business until such payment is made.

LAWS OF IOWA

RELATING TO TELEGRAPH COMPANIES.

(From Chap. 6. Title 10. Code of 1873.)

SEC. 1324.—Any person or company may construct a telegraph line along the public highways of this State or across the rivers, or over any lands belonging to the State or to any private individual, and may erect the necessary fixtures therefor; *provided* that when any highways along which said line has been constructed shall be changed, said person or company shall, upon ninety days' notice in writing, remove said line to said highway as established. Said notice contemplated herein, may be served on any agent or operator in the employ of said person or company.

MEMORANDUM.

[It has been customary to regard this section to authorize foreign corporations to exercise the same powers and rights in this State, which domestic corporations might exercise. Neither the Western Union nor the A. & P. are organized under the laws of Iowa. It is still unsettled whether this section authorizes the construction of a telegraph upon the right of way of a railroad.]

SEC. 1325.—Such fixtures must not be constructed as to inconvenience the public in the use of any highway, or the navigation of any stream, nor shall they be set up on the private ground of any individual without paying a just equivalent for the damages he thereby sustains.

SEC. 1326.—If the person over whose lands such telegraph lines passes, claims more damages therefor than the proprietor of the telegraph is to pay, the amount

of damages may be determined in the same manner as is provided in Chapter 4, of this title (which see).

SEC. 1327.—Provides as a penalty for refusal to receive despatches or to transmit them with fidelity and without unreasonable delay, that all laws concerning the formation of partnerships, corporations and the taking of private property for public use, shall cease to operate in favor of the proprietor, and that property taken without the consent of the owner may be reclaimed.

SEC. 1328.—Provides for the punishment of employees neglecting to receive or transmit messages or making known the contents.

SEC. 1329.—Makes proprietors liable for mistakes in transmission.

MEMORANDUM.

[There do not seem to have been any decisions concerning telegraphs, except those relating to the transmission of messages.]

SEC. 2582, (p. 438).—Provides that actions may be brought against telegraph companies, or the lessees or companies operating the lines, in *any county* through which the line passes.

By Chap. 59. Laws of the 17th General Assembly, (1878.)

It is provided that all telegraph lines built and operated in this State shall be subject to taxation upon assessment, to be made by the State Board of Equalization on the return of the company. The taxes to be levied by the Board in lieu of all local taxes, and shall be payable into the State Treasury.

A telegraph company may be formed in this State in accordance with Chap. 1, Title 14, Code of 1873, p. 183, which provides that :

SEC. 1058.—Any number of persons may associate

themselves and become incorporated for the transaction of *any lawful business*, including the establishment of ferries, the construction of canals, and railways, bridges or other work of internal improvement, but such incorporation confers no power or privilege not possessed by natural persons, except as hereinafter provided.

SEC. 1059.—Among the powers of such body corporate are the following:

- 1st. To have perpetual succession.
- 2d. To sue and be sued by its corporate name.
- 3d. To have a corporate seal which it may alter at pleasure.
- 4th. To render the interests of the stockholders transferable.
- 5th. To exempt the private property of its members from liability for corporate debts, except as herein otherwise declared.
- 6th. To establish by-laws and make all rules and regulations deemed expedient for the management of their affairs in accordance with law.

SEC. 1060.—Previous to commencing any business, except that of their own organization, they must adopt articles of incorporation, which must be recorded in the office of the recorder of deeds of the county where the principal place of business is to be, in a book kept there, or; the recorder must record such articles as aforesaid within five days after the same are filed, and certify thereon, the time when the same were filed in his office, and the book and page where the record thereof will be found. The said articles shall then be recorded in the office of the Secretary of State, in a book kept for that purpose.

SEC. 1061.—Such articles of incorporation must fix the highest amount of indebtedness or liability to which the corporation is at any one time to be subject, which must in no case exceed two-thirds of its capital stock.

SEC. 1002.—A notice must also be published for four weeks in succession in some newspaper as convenient as practicable to the principal place of business.

SEC. 1003.—Such notice must contain :

1st. Name of corporation and principal place of business.

2d. General nature of the business.

3d. Amount of capital stock authorized, and time and terms on which it is to be paid up.

4th. Time of commencement and termination of corporation.

5th. By what officers or persons business to be conducted and times of election.

6th. The amount of indebtedness to which the corporation may subject itself.

7th. Whether private property is to be exempt from corporate debts.

SEC. 1004.—Corporations may commence business as soon as articles are filed in Recorder's office, and doings shall be valid if publication is made and articles recorded in office of Secretary of State within three months.

SEC. 1005.—No change to be made unless recorded and published as original articles are required to be.

SEC. 1006.—Cannot be dissolved without unanimous consent, unless a different rule is adopted in articles.

SEC. 1007.—Premature dissolution must be published.

SEC. 1008.—A failure to comply substantially with the foregoing requisitions in relation to organization and publicity *renders the individual property of the stockholders liable for the public debts.*

SEC. 1009.—Corporations for construction of works of internal improvement may be formed to endure fifty

years. May be renewed from time to time by three-fourths of the votes cast at any election if those wishing renewal will purchase the stock of those opposed at fair current value.

Manner of taking private property for right of way.

Chap. 4, Title 10, Code of 1873.

See SEC. 1244.—Which provides :

The Sheriff of the county shall, upon the application of either party, appoint six disinterested freeholders of the county who shall inspect the property and assess the damage.

The corporation, upon payment of the amount, may proceed to construct.

SEC. 1252.—The corporation shall pay all costs.

SEC. 1254.—Et. seq. provides for appeals by either party and for the trial thereof.

I O W A .

L A W S O F 1882.

CHAPTER 104.

TELEPHONE LINES ALONG HIGHWAYS.

An Act to amend Section 1324, Chapter 6, Title 10, of the Code of 1873, relating to Telegraphs.

Be it enacted by the General Assembly of the State of Iowa :

That Section 1324, of the Code of 1873, relating to telegraphs, be and the same is hereby amended, by inserting after the word "telegraph," in the second line thereof, the words "or telephone."

This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Leader, newspaper, published at Des Moines, Iowa.

Approved March 16, 1882.

Published March 18 and 22d, 1882.

SEC. 1.
Code.
SEC. 1342.
Amended tele-
phone lines
may be built
along high-
ways.

SEC. 2.
Publication.

LAWS OF KANSAS

IN RELATION TO TELEGRAPH COMPANIES.

[TOOK EFFECT OCTOBER 31, 1868.]

SECTION 74. (*Act concerning Private Corporations.*) Corporations created for the purpose of constructing and maintaining magnetic telegraph lines are authorized to set their poles, piers, abutments, wires and other fixtures, along, upon, and across any of the public roads, streets and waters of this State, in such manner as not to incommode the public in the use of such roads, streets and waters.

SEC. 75. Such companies are also authorized to enter upon any lands, whether owned by private persons in fee, or in any less estate, or by any corporation, whether acquired by purchase or by virtue of any provision in the charter of such corporation, for the purpose of making preliminary surveys and examinations, with a view to the erection of any telegraph lines, and from time to time to appropriate so much of said lines as may be necessary to erect such poles, piers, abutments, wires and other necessary fixtures for a magnetic telegraph, and to make such changes of location of any part of said lines as may from time to time be deemed necessary, and shall have a right of access to construct said line, and when erected, from time to time as may be required, to repair the same; and may proceed to obtain the right of way, and to condemn lands for the use of the corporation in the manner provided by law in case of railway corporations.

SEC. 76. No corporation shall have power to contract with any owner of land for the right to erect and maintain a telegraph line over his lands, to the exclusion of the lines of other companies.

SEC. 77. Any corporation created as herein provided, may contract, own, use and maintain any line or lines of telegraph, whether wholly within, or wholly or partly beyond, the limits of this State, and shall have power to lease or attach to the line or lines of such corporation, other telegraph lines by lease or purchase, and may join with any other corporation or association in constructing, leasing, owning, using or maintaining their line or lines, upon such terms as may be agreed upon between the directors or managers of the respective corporations; and may own and hold any interest in such line or lines, or may become lessees thereof, on such terms as the respective corporations may agree.

SEC. 78. The council of any city, or trustees of any incorporated town or village, through which the line of any telegraph corporation is to pass, may, by ordinance or otherwise, specify where the posts, piers or abutments shall be located, the kind of posts that shall be used, the height at which the wires shall be run, and such company shall be governed by the regulations thus prescribed; and after the erection of said telegraph lines, the council of any city, or the trustees of any incorporated town or village, shall have power to direct any alteration in the location or erection of said posts, piers or abutments, and also in the height at which the wires shall run, having first given such company or its agents opportunity to be heard in regard to such alterations.

SEC. 79. Any person who shall wilfully and intentionally injure, molest or destroy any of the lines, posts, piers, abutments or other material or property pertaining to any line of telegraph erected in this State, shall be deemed guilty of a misdemeanor, and shall, upon conviction in the court having criminal jurisdiction in the proper county, be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, at the discretion of the court having cognizance thereof.

SEC. 80. Any telegraph company now organized, or which may be hereafter organized, under the laws of this State, may, at any regular meeting of the stockholders thereof, by vote of persons holding a majority of shares of the stock of such company, unite or consolidate with any other company or companies now organized or which may hereafter be organized under the laws of the United States or of any State or territory, by consent of the company with which it may consolidate or unite, and such consolidated company, so formed, may hold, use, and enjoy all the rights and privileges conferred by the laws of Kansas on companies separately organized under the provisions of this act, and be subject to the same liabilities.

KENTUCKY.

GENERAL STATUTES, 1877.

CHAPTER 29.

CRIMES AND PUNISHMENTS.

ARTICLE XIV.

PUBLIC WORKS.

If any person shall wilfully and maliciously injure, SEC. 9.
obstruct, or destroy a telegraph line, post, or pier, or Injuring any
the materials or property belonging to or attached to a telegraph
telegraph, he shall be confined in the penitentiary not lines.
less than two nor more than ten years.

If any agent, officer, or manager of a telegraph line SEC. 10.
in this State, or other persons, knowingly transmit, on Transmitting
or through the same, any false communication or intel- any false
ligence, with intention to injure any one, or to speculate communica-
on any article of merchandise, commerce, trade, or with tions by tele-
intent that another may do so; or if any agent, officer, graph.
or manager of a telegraph line, from corrupt or improper
motives or wilful negligence, shall withhold the trans-
mission or delivery of messages or intelligence for
which the customary charges have been paid or ten-
dered, he shall be fined not less than ten dollars nor
more than five hundred dollars. Withholding
transmission
or delivery of
messages.

KENTUCKY.**CHAPTER 92.****REVENUE AND TAXATION.****ARTICLE XII.****RAILROADS, TURNPIKE ROADS AND OTHER CORPORATIONS' TAXES.**

SEC. 6.
Telegraph com-
panies taxed
50 cents per
mile.

It shall be the duty of the president, treasurer, secretary, or manager of any telegraph company or association, working, operating or controlling any telegraph line in this State, to report, under oath, to the auditor of public accounts, on or before the 10th day of July, every year, a full and complete statement of each line, and the whole number of miles of wire worked, or under their control and management in this State; and shall also pay into the treasury, on or before the 10th day of October of each year, a tax equal to fifty cents on each mile of wire.

SEC. 7.
Penalty on off-
icers of com-
panies who
fail to com-
ply with the
provisions of
this article.

Any president, treasurer, secretary, mayor, agent, or other person failing or refusing to comply with any of the provisions of this article, shall be fined a sum not less than two hundred nor more than five hundred dollars, to be recovered by motion in the Franklin Circuit Court; but this article shall not apply to any property or corporation specifically exempt from taxation.

SEC. 8.
Individual
shares of
stock not
be listed for
taxation.

That the individual stockholders of companies which are by this article required to report and pay tax upon the value of their property, shall not be required to list their shares in such companies for taxation.

SEC. 9.
Liabilities of
officers re-
fusing to re-
port to audi-
tor.

If any of the officers mentioned in this article shall fail or refuse to report to the auditor of public accounts as therein required, such officer shall be liable to a fine of one thousand dollars for each month he may so fail to report, which fine or fines may be recoverable upon motion in the name of the Commonwealth in the Franklin

Circuit Court ; and any execution which may issue upon any judgment rendered upon such motion may be levied on the property of any corporation in whose employment such officer may be ; but before any such judgment shall be rendered, said officer shall have at least twenty days' notice of the motion.

All money paid into the treasury under this article shall be for the ordinary expenses of the government.

SEC. 10.

Revenue proper.

The 10th day of January of each year shall be the time to which all reports required by this article shall refer, unless otherwise provided.

SEC. 11.

All reports to refer to January 10th.

CORPORA-

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LAWS OF LOUISIANA.**VOORHIES REVISED STATUTES, 1876.**

(Pages 962, 963.)

SEC. 3760. Corporations formed under the laws of this State for the purpose of transmitting intelligence by magnetic telegraph shall have the right of way over all lands owned by the State, and over any highways or navigable waters, but shall so construct their works as not to interfere with, impede or hinder the free use of the highways or navigable waters, or the drainage or natural servitudes of the land over which the right of way may be exercised.

SEC. 3761. All telegraph companies shall be bound, on application of any officer of this State or of the United States, in the event of any war, insurrection or resistance of public authority, or whenever it may be necessary for the prevention of crime, or the arrest of persons accused of crime or fleeing from justice, to give their communications immediate dispatch, and if any officer, clerk or operator shall refuse or intentionally omit to transmit such communication or shall designedly alter or falsify the same for any purpose whatever, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding one thousand dollars, and imprisoned not longer than one year. It shall further be their duty to transmit all communications which are not immoral or contrary to law or public policy that are presented by persons offering to pay the usual rates therefor, and in the order in which the applications are made.

SEC. 3762. Whoever shall unlawfully and intentionally injure, molest or destroy any line of telegraph, the lines, posts, abutments, materials or property belonging

thereto ; or who shall molest or interfere with, or in any way interrupt the use or operation of any line of telegraph, or part thereof, shall, on conviction, be punished by fine not exceeding five hundred dollars, or imprisoned in the penitentiary not exceeding one year, or both, at the discretion of the Court.

SEC. 3763. Any operator, clerk, director, messenger, or other person in the employ of any telegraph company, having an office or station in this State, who shall refuse or omit to send or deliver any dispatch or message on which the charges or fees shall have been paid, or offered to be paid, or for the payment of which a contract shall have been made ; or cause or direct to be detained or delayed such dispatch or message, in order to give precedence to a message or dispatch subsequently brought to the office or station ; or who shall in any way give precedence of time in sending or delivering any dispatch or message belonging to a director, officer, stockholder of such company or other person, over any dispatch or message previously offered for transmission ; or who shall reveal, make use of, or make public any dispatch or message, previously offered for transmission ; or who shall reveal, make use of, or make public any dispatch or message, shall, on conviction, be fined not less than fifty, nor more than one thousand dollars, one-half to the Charity Hospital of New Orleans, and the other half for the use of the parish in which the offence is committed, and shall be answerable in damages to the party injured. For any subsequent offence, the person so offending shall also be subject to imprisonment in the parish prison for a period not more than three months.

SEC. 3764. No operator or agent of any telegraph company shall be permitted to transmit any message which can in any way tend to defeat the ends of justice, by preventing the apprehension of fugitives from justice or by communicating such information as may enable persons charged with offences to escape. Any person so offending shall be imprisoned not less than twelve

months, nor more than two years at hard labor, and fined not less than two hundred and fifty dollars nor more than five hundred dollars.

LOUISIANA.

ACTS OF 1880.

No. 124, An Act to re-enact section six hundred and ninety-six of the Revised Statutes of the State of Louisiana, relative to telegraph companies.

SEC. 1.

Be it enacted by the General Assembly of the State of Louisiana, that section six hundred and ninety-six of the Revised Statutes of the State, as now in force, be and the same is hereby amended and re-enacted so as to read as follows :

Right of way
given to tele-
graph, tele-
phone or
other com-
panies for the
transmission
of intelligence

SECTION 696. Corporations chartered or formed under the Laws of this or of any other State, or under the Laws of the United States, for the purpose of transmitting intelligence by magnetic telegraph or telephone, or other system of transmitting intelligence or the equivalent thereof which may be hereafter invented or discovered, may construct and maintain such telegraph, telephone or other lines necessary to transmit intelligence along all State, parish or public roads, or public works, and along and parallel to any of the railroads in this State, and along and over the waters of this State ; provided, that the ordinary use of such roads, works, railroads and waters be not thereby obstructed, and along the streets of any city, with the consent of the council or trustees thereof, and such companies shall be entitled to the right of way over all lands belonging to the State, and over the lands, privileges and servitudes of other persons and corporations, and the right to erect poles, piers, abutments and other works necessary

for constructing, working, operating and maintaining their lines and works, upon making just compensation therefor. That in the event such company shall fail, on application therefor to secure such right by consent, contract or agreement, upon just and reasonable terms, then such companies or corporations should have the right to proceed to expropriate the same, as provided in and by the laws of the State, relative to expropriation of lands for railroads and other works of public utility, and shall so construct their works as not to impede or obstruct the full use of the highways, navigable waters or the drainage or natural servitudes of the lands over which the right of way may be exercised. But no company operating under the provisions of this act, shall have the power to contract with the owners of land or with any other corporation for the right to erect and maintain any telephone, telegraph or other line for the speedy transmission of intelligence over his or its lands, privileges or servitudes, to the exclusion of the lines of other companies operating under the provisions of this act.

Be it further enacted, etc., that this act shall be in force from the date of its passage and promulgation.

Approved April 10, 1880.

LAWS OF MAINE.

REVISED STATUTES.

SECTION 1. A person or company owning or using a line of telegraph, wholly or part, in this State, for any error or unnecessary delay in writing out, transmitting or delivering a dispatch within their delivery limits, making it less valuable to the person interested therein, shall be liable for the whole amount paid on such dispatch, and they shall transmit all dispatches in the order they are received, under a penalty of one hundred dollars, to be recovered, with costs by the person whose dispatch is wilfully postponed, and if any operator or agent designedly falsifies any despatch, he shall forfeit not less than twenty or more than one hundred dollars, to be recovered in an action of debt, and in case of his avoidance or inability to pay such judgment such person or company shall forfeit a like sum, and if such operator or agent wilfully divulges any part of the contents of a private dispatch intrusted to him for transmission or delivery he shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not more than three months.

SECTION 2. Nothing herein shall exonerate any operator, agent, clerk or other officer employed on a telegraph line from liability for any act of fraud committed or attempted by means of telegraphic communication, or the company from any liabilities existing at common law for any neglect or wrong doing of such company or its agents.

SECTION 3. A person desiring to disconnect or remove the wires of a telegraph company, to move a building or for any other purpose, shall leave a written statement of the time and place at their office, if they have any in that town, twenty-four hours before the time

fixed, if not, he shall send it by mail postpaid to their nearest office three days before the time, and whoever disconnects or removes such wires without first giving such notice, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment, not more than three years.

SECTION 4. When a telegraph company is authorized to locate its line over the lands of an individual or corporation and the parties cannot agree on the damages occasioned thereby, they shall be estimated, secured and paid in the manner provided in case of land taken for railroads.

MAINE.

ACTS AND RESOLVES OF 1880.

CHAPTER 246.

An Act for the Taxation of Telegraph Companies.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

That every telegraph corporation company or person doing business within the limits of this State, shall annually pay into the State Treasury a tax of two and one-half per centum on the value of any telegraph line owned by said corporation, company or person within the limits of this State, including all poles, wires, insulators, office furniture, batteries and instruments, and any circumstances or conditions which affect the value of the property.

SEC. 1.
Telegraph companies to pay annual tax.

Every such corporation, company or person, shall annually, on or before the fifteenth day of April, return to the Secretary of State under the oath of its Superintendent, the amount and value of all the property enu-

SEC. 2.
Returns to be made to the Secretary of State.

merated in section one, owned by it within the limit aforesaid, together with the names and residences of all shareholders living in this State, and the number of shares owned by each, on the first day of April annually, and the Governor and counsel shall determine said values and assess said tax thereon, on or before the first day of May annually. The Secretary of State shall thereupon certify said assessment to the State Treasurer, who shall forthwith notify the several parties assessed thereof. Said tax shall be paid into the treasury on or before the first day of September annually, and shall be in lieu of all State or municipal taxation on any property or shares of all State or municipal taxation, or any of the property or shares of said corporations, companies or persons.

SEC. 3.
Proceedings in
case of fail-
ure to make
returns and
pay tax.

If any corporation, company or person aforesaid, fails to make the return herein provided, the Governor and counsel shall proceed to make said assessment on such valuation as they think just, with such evidence as they are able to obtain, and such assessment shall be final. And if any such corporation, company or person fails to pay the tax required by this act, the State Treasurer may forthwith commence an action of contract in the name of the State, for the recovery of the same with interest.

SEC. 4.
Adjustment of
tax when
paid.

When such tax is paid, it shall be the duty of the State Treasurer to credit to each town such proportion of the tax of each company, as the number of shares in said company owned in said town, bears to the whole number of said company's shares owned in the State, remainder to be retained for the use of the State.

SEC. 5.
Inconsistent
acts repealed

All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect when approved.

Approved March 19, 1880.

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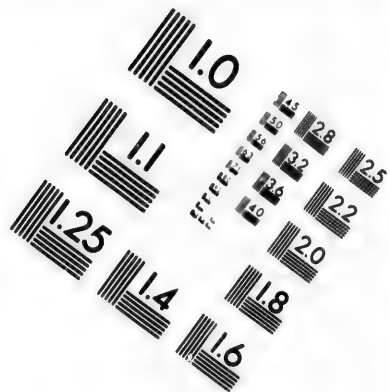
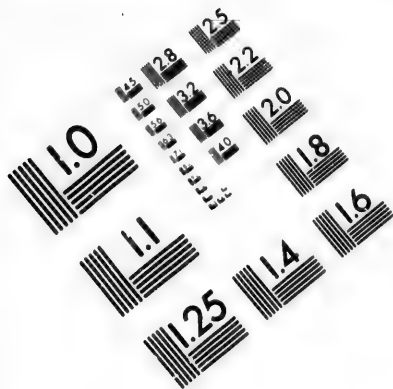
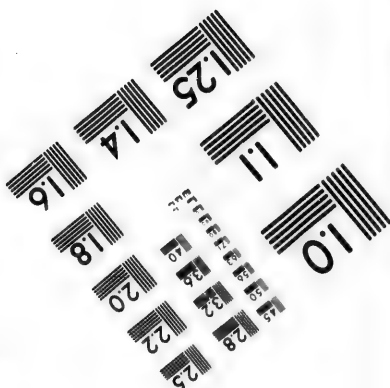
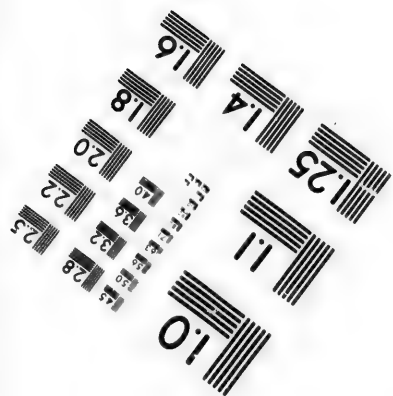
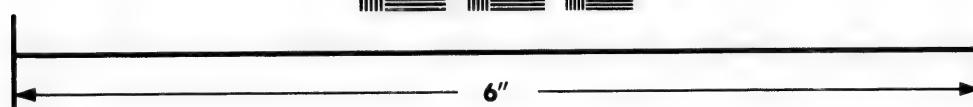
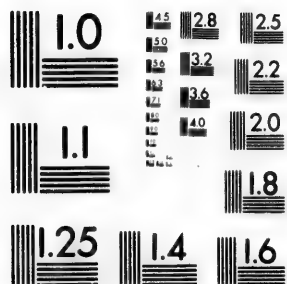


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MAINE.

ACTS AND RESOLVES OF THE STATE OF MAINE, 1883.

CHAPTER 213.

An Act for the Taxation of Telephone Companies.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Every telephone corporation, company, or person doing business within the limits of this State, shall annually pay into the State treasury, a tax of two and one-half per cent. on the value of any telephone line owned by said corporation, company or person, within the limits of this State, including all poles, wires, insulators, transmitters, telephones, batteries, telephone apparatus, office furniture, and any circumstances or condition which affect the value of the property.

Telephone
companies to
pay annual
tax.

SEC. 2. Every such corporation, company or person, shall annually on or before the fifteenth day of April, return to the Secretary of State under oath of its superintendent, the amount and value of all the property enumerated in section one, owned by it within the limits aforesaid, on the first day of April annually, and the Governor and Council shall determine said values, and assess said tax thereon, on or before the first day of May, annually. The Secretary of State shall thereupon certify said assessment to the State Treasurer, who shall forthwith notify the several parties assessed thereof. Said tax shall be paid into the treasury on or before the first day of September, annually, and shall be in lieu of all State or municipal taxation on any property or shares of said corporations, companies or person.

Returns to be
made to Sec-
retary of
State.

Secretary
of State to
certify tax to
Treasurer of
State.

When to be
paid.

SEC. 3. Any corporation, company or person neglect- Proceedings in

ing to make the returns required by this act, shall forfeit twenty-five dollars per day for every day's neglect so to do, to be recovered by an action of debt, in the name of the State ; and the Governor and Council shall proceed to make said assessment on such valuation as they think just, with such evidence as they may be able to obtain, and such assessment shall be final. And if any corporation, company or person, fails to pay the tax required by this act, the State Treasurer may forthwith commence an action of debt, in the name of the State, for the recovery of the same with interest.

SEC. 4. This act shall take effect when approved.

Approved March 14, 1883.

MAINE.

ACTS AND RESOLVES, 1883.

CHAPTER 232.

An Act to amend Section 65 of the Public Laws of 1876, relating to Telegraph and Telephone Companies.

Be it enacted by the Senate and the House of Representatives in Legislature assembled, as follows :

SEC. 1. Ch. 65.
Public Laws
1876 amend-
ded. Section one of chapter 65, of the Public Laws of eighteen hundred and seventy-six is hereby amended by striking out from the second line thereof, the words, " within this State."

SEC. 2.
Further amend-
ded. Section one of chapter sixty-five of the Public Laws of eighteen hundred and seventy-six, is hereby amended by inserting therein, in the seventh line of the said section, between the word " telegraph" and the word " companies," the word " telephone."

Approved March 14, 1883.

LAWS OF MASSACHUSETTS.

STATUTES OF 1860.

CHAPTER LXIV.

RELATING TO TELEGRAPH COMPANIES.

SECTION 1. Every company incorporated for the transmission of intelligence by electricity shall possess the powers and privileges, and be subject to the duties, restrictions and liabilities prescribed in this chapter.

SECTION 2. Each company may, under the provisions of the following section, construct lines of electric telegraph upon and along the highways and public roads, and across any waters in the State, by the erection of the posts, piers, abutments and other fixtures (except bridges), necessary to sustain the wires of its lines; but shall not incommode the public use of highways or public roads; nor endanger or interrupt the navigation of any waters.

SECTION 3. The Mayor and Aldermen or Selectmen of any place through which the lines of a company are to pass shall give the company a writing specifying where the posts may be located, the kind of posts, and the height at which and the places where the wires may be run. After the erection of the lines, having first given the company or its agents an opportunity to be heard, they may direct any alteration in the location or erection of posts, piers or abutments and in the height of wires. Such specifications and decisions shall be recorded in the records of the city or town.

SECTION 4. An owner of land near to or adjoining a highway or road along which lines are constructed by

the company, who considers himself injured thereby, may within three months after such construction apply to the Mayor and Aldermen or Selectmen to assess and appraise his damage. Before entering upon the service they shall severally be sworn faithfully and impartially to perform the duties required of them by this chapter. They shall on view make a just appraisal, in writing, of the loss or damage, if any, to the applicant, sign duplicates thereof, and on demand deliver one copy to the applicant and the other to the company or its agent. If damages are assessed the company shall pay the same with the costs of the appraisers. If the appraisers award that the applicant has suffered no damage, he shall pay the costs of the appraisers.

SECTION 5. The Mayor and Aldermen and Selectmen shall each receive for services performed under this chapter two dollars a day.

SECTION 6. Any person aggrieved by the assessment of his damages may have the matter determined by a jury, and the proceedings shall be according to the provisions of section seventy-three of chapter forty-three concerning town ways and private ways. If the jury increase the damages the same and all charges shall be paid by the company, otherwise the charges shall be paid by the applicant.

SECTION 7. A company shall not commence the construction of its lines until three-fourths of the capital stock has been unconditionally subscribed for, and the directors shall within ten days of commencing said line file in the office of the Secretary of the Commonwealth a sworn statement of the subscription.

SECTION 8. A company shall not at any time contract or owe debts to a larger amount than one-half part of its capital stock actually paid in.

SECTION 9. The President and Treasurer of each company shall be jointly and severally liable for all its indebtedness in case of wilful neglect or omission on their

part to comply with any of the provisions of this chapter.

SECTION 10. Every company shall receive from and for other telegraph lines, companies, and associations, and from and for any persons ; and on payment of the usual charges for transmitting dispatches according to the regulations of the company, shall transmit the same faithfully and impartially. For every wilful neglect or refusal so to do the company shall forfeit a sum not exceeding one hundred dollars, to be recovered in an action of tort by the person, association or company sending or desiring to send the dispatch.

SECTION 11. When an injury is done to a person, or to property, by the posts, wires, or other apparatus of a telegraph line, the company shall be responsible in damages to the party injured. If the same are erected on a highway or a town way, the city or town shall not, by reason of anything contained in this chapter, or done thereunder, be discharged from its liability, but all damages and costs recorded against a city or town on account of such injury shall be reimbursed by the company owning the posts, wires, or other apparatus.

SECTION 12. Every Telegraph Company shall annually on or before the fifteenth day of October make returns to the Secretary of the Commonwealth according to forms to be furnished on application to him, specifying therein the location and line of telegraph, its name, capital actually paid in and how invested, annual receipts, expenditures, real estate and its value, cash on hand, credits on book account and the amount of its indebtedness, which return shall be signed by the President, Clerk and Treasurer of the company and by them be sworn to be true according to the best of their knowledge and belief.

SECTION 13. Owners and associations engaged in the business of telegraphing for the public by electricity, although not incorporated, shall be subject to the lia-

bilities and governed by the provisions of this chapter in the same manner as corporations.

SECTION 14. No enjoyment by a person or corporation for any length of time of the privilege of having or maintaining telegraph posts, wires or apparatus in, upon or over, or attached to, any buildings or lands of other persons, shall give a legal right to continued enjoyment of such easement, or raise any presumption of a grant thereof.

SECTION 15. Whoever unlawfully and intentionally molests, or destroys any of the lines, wires, posts, piers or abutments, or any of the materials or property, of any company, owner or association, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both.

MASSACHUSETTS.

PUBLIC STATUTES, 1882.

TAXATION OF CORPORATIONS.

CHAPTER 13.

SEC. 38. Every corporation chartered by the Commonwealth, or organized under the general laws for purposes of business or profits, having a capital stock divided into shares, excepting banks whose shares are otherwise taxable under this chapter, and except those specified in sections 43 and 46, shall annually, between the first and tenth day of May, return to the tax commissioner under the oath of its treasurer, a complete list of its shareholders with their places of residence, the number of shares belonging to each on the first day of May, the

SEC. 38.
Home corpora-
tions organ-
ized for pur-
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amount of the capital stock of the corporation, its place of business, the par value and the market value of the shares on said first day of May. Such return shall, in the case of stock held as collateral security, state not only the name of the person holding the same, but also the name of the pledger and his residence. The return shall also contain a statement in detail of the works, structures, real estate, and machinery owned by said corporation, and subject to local taxation within the Commonwealth, and of the location and value thereof. Railroad and telegraph companies shall return the whole length of their lines, as is without the Commonwealth; other corporations required to make a return under this section, shall also return the amount, value and location of all works, structures and real estate, and machinery owned by them and subject to local taxation without the Commonwealth, provided that nothing herein contained shall exempt any corporation from making all returns required by its charter.

The tax commissioners shall ascertain from the returns or otherwise, the true market value of the shares of each corporation included in the provisions of the preceding section, and shall estimate therefrom the fair cash valuation of all of said shares constituting its capital stock, on the first day of May next preceding, which shall be taken as the true value of its corporate franchise for the purposes of this chapter. He shall also ascertain and determine the value and amount of all real estate and machinery owned by each corporation, and subject to local taxation, and of the deductions provided in the following section, and for this purpose he may take the amount or value at which such real estate and machinery are assessed, at the place where the same are located as the true amount or value; but such local assessment shall not be conclusive of the true amount or value thereof.

Every corporation embraced in the provisions of section 38, shall annually pay a tax upon its corporate franchise at a valuation thereof equal to the aggregate

Sec. 39.
Tax commissioners to ascertain market value of shares and estimate fair cash valuation of all the shares also value of real estate.

sec- Sec. 40.
Annual tax upon corporate franchise to

be paid by value of the shares, its capital stock, as determined in such corporations. Rate the preceding section, after making the deductions provided for in this section, at a rate determined by an appportionment of the whole amount of money to be raised by taxation upon property in the Commonwealth during the same current year, as returned by the assessors of the several cities and towns under section eighty-six of chapter 11, upon the aggregate valuation of all the cities and towns for the preceding year, as returned under sections fifty-four and fifty-five of said chapter. Provided, that in case the return from any city or town is not received, prior to the twentieth day of August, the amount raised by taxation in said city or town the preceding year, as certified to the secretary of the Commonwealth, may be adopted for the purpose of this determination; and provided, further, that the amount of tax assessed upon polls the preceding year, as certified to the secretary, may be taken as the amount of poll tax, to be deducted from the whole amount to be raised by taxation, for the purpose of ascertaining the amount to be raised by taxation upon property.

From the valuation ascertained and determined, as aforesaid, there shall be deducted, First, in case of railroad and telegraph companies, whose lines extend beyond the limits of the Commonwealth, such portion of the whole valuation of their capital stock, ascertained as aforesaid, as is proportional to the length of that part of their line lying without the Commonwealth; and also, an amount equal to the value, as determined by the tax commissioners, of their real estate and machinery located, and subject to local taxation within the Commonwealth. Second, in case of other corporations included in section 38 of this chapter, an amount equal to the value, as determined by the tax commissioner, of their real estate and machinery, subject to local taxation wherever situated; provided, that whenever the charter of a corporation provides a different method of ascertaining the valuation of its corporate franchise for the purposes of this chapter, the same

shall be ascertained in the method provided in such charter.

In case the value of the real estate and machinery, located under the Commonwealth of any corporation, as determined by the commissioner, is less than the value as determined by the assessors of the city or town where such real estate or machinery is taxable, said commissioner shall notify the corporation of such determination, and if it does not, within one month from the date of such notice, make application to said assessors, and does not in case of the refusal of said assessors to grant an abatement forthwith, prosecute an appeal in accordance with the provisions of section 71 of chapter 11, and give notice thereof to the tax commissioner, said determination shall be conclusive upon such corporation. The tax commissioner may appear before the county commissioners, and be heard upon any appeal made to them, and the decision of the county commissioners shall be conclusive as to the value.

Every corporation or association chartered or organized elsewhere, which owns or controls and uses under lease or otherwise, a line of telegraph within this Commonwealth, shall make all the returns prescribed in section 38, to be made by telegraph companies within the Commonwealth, excepting the list of its shareholders, and shall annually pay a tax at the same rate, and to be ascertained and determined in the same manner as is provided in section 40; and all telegraph lines within the Commonwealth, controlled and used by such corporation or association, shall, for the purposes of this chapter, be taken and considered as part of its own lines.

Every corporation formed under the general laws of the Commonwealth to construct railroads, or railroads and telegraphs in foreign countries, shall, for purposes of taxation, be subject to the provisions of section 43; but no other provision of this chapter, relating to the assessment of taxes upon corporations or the shareholders therein, shall apply thereto. Every such corpora-

Sec. 41.
Remedy of corporation when tax commissioner fixes value of real estate, etc., less than the assessors do. Commissioner may appear and be heard in case of appeal.

Sec. 42.
Foreign telegraph companies, &c., using, &c., lines in this state to make returns and pay like tax.

Sec. 43.
Corporations to construct railroads in foreign countries to make returns and pay tax on capital.

tion shall annually, between the first and tenth days of May, return to the tax commissioners, under oath of its treasurer, a complete list of its shareholders, with their places of residence, the number of shares belonging to each, on the first day of May, the amount of its capital stock, and the par value and market value of the shares on said first day of May.

Sec. 47. [Taxation of the property of certain manufacturing companies, copartnerships and associations.]

Companies, co-partnerships and associations held in transferable shares, how taxed. Companies, copartnerships and other associations having a location or place of business within this Commonwealth, in which the beneficial interest is held in shares, which are assignable without the consent of the other associates specifically authorizing such transfer, shall be subject to the provisions of sections 38 to 41 inclusive, 53 to 57 inclusive, and 60 to 66 inclusive; and the tax provided for in section 40 shall be paid by such company, copartnership or association upon the aggregate value of the shares of said capital stock, in the manner provided in this chapter, for taxes upon corporations taxed under section 40.

Sec. 48. The returns required by section 38, when made by such company, copartnership or association, shall be made by the treasurer, agent, trustee, superintendent, or business manager of the same.

Sec. 49. Every company, copartnership or association, to be taxed under the two preceding sections, shall, when required, submit its books to the inspection of the tax commissioners and assessors of the city or town in which the same is located; and its treasurer, agent, trustee, superintendent and business manager shall be subject to examination on oath by the tax commissioner and assessors in regard to all matters affecting the taxation of the same.

MASSACHUSETTS.

PUBLIC STATUTES.

CHAPTER 27.

OF THE TOWNS AND DUTIES OF TOWNS.

A town may construct lines of telegraph for its own use upon and along the public ways within its limits, subject to the provisions of Chapter 109 as far as the same is applicable.

Sec. 41.
Towns may construct lines of telegraph.

MASSACHUSETTS.

CHAPTER 105.

POWERS, DUTIES, &c., OF CORPORATIONS.

No telegraph or gas light company chartered under the laws of this Commonwealth, shall declare any stock dividend, or divide the proceeds of the sale of stock among its stockholders; nor create any additional new stock, or issue certificates thereof to any person whatever, unless the par value of the shares so issued is first paid in cash to its Treasurer.

Sec. 18.
Telegraph and gas companies not to make stock dividend, &c.

All certificates of stock issued in violation of the preceding section shall be void, and the directors of the corporation issuing the same shall be liable to a penalty of one thousand dollars each, to be recovered by indictment in any county where any of them reside, but if any such director proves that before such issue he files his dissent in writing thereto with the clerk, or was absent and at no time voted therefor, he shall not be so liable.

Sec. 19.
Certificates void if issued in violation and directors liable.

MASSACHUSETTS.

CHAPTER 109.

OF COMPANIES FOR THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

SEC. 1.
Companies
subject to
this chapter. Every company incorporated for the transmission of intelligence by electricity, shall possess the powers and privileges and be subject to the duties, restrictions and liabilities prescribed in this chapter.

SEC. 2.
May construct
upon high-
way, &c., not
to incom-
mode public. Each company may under the provisions of the following section, construct lines of electric telegraph upon and along the highways and public roads, and across any water within the Commonwealth, by the erection of the posts, piers, abutments and other fixtures (except bridges) necessary to sustain the wires of its lines; but shall not incommode the public use of highways or public roads, nor endanger or interrupt the navigation of any waters.

SEC. 3.
Mayor, Alder-
men, &c., to
specify pla-
ces, kinds of
poles, &c. The Mayor and Aldermen or Selectmen of a place through which the lines of a company are to pass, shall give the company a writing specifying where the posts may be located, the kind of posts and the height at which, and the places where the same may run. After the erection of the lines, having first given the company or its agents opportunity to be heard, they may direct any alteration in the location or erection of the posts, piers, or abutments, and the height of the wires. Such specifications and decisions shall be recorded in the records of the city or town.

SEC. 4.
Mayor and Al-
dermen, &c.,
to assess dam-
ages of land
owners, &c.,
costs. An owner of land near to or adjoining a highway or road along which lines are constructed by the company who considers himself injured thereby, may within three months after such construction, apply to the Mayor and Aldermen or Selectmen to assess and appraise his damage. Before entering upon the service, they shall severally be sworn faithfully and impartially to perform the duties required of them by this chapter. They shall on

view make a just appraisal in writing of the loss or damage, if any, to the applicant, sign duplicates thereof, and on demand deliver one copy to the applicant, and the other to the company or its agents. If damages are assessed, the company shall pay the same with the costs of the appraisers. If the appraisers award that the applicant has suffered no damage, he shall pay the costs of the appraisers.

The Mayor and Aldermen and Selectmen shall each receive for services performed under this chapter two dollars a day. Sec. 5. Compensation.

A person aggrieved by the assessment of his damages, may have the matter determined by a jury, and the proceedings shall be according to the provisions of section 79 of chapter 49, concerning town ways and private ways. If the jury increase the damages, the amount of the verdict and all charges shall be paid by the company, otherwise the charges shall be paid by the applicant. Sec. 6. Applicant may have jury, &c.

A company shall not commence the construction of its line until three-quarters of its capital stock has been unconditionally subscribed for, and the directors shall within ten days of commencing said line, file in the office of the Secretary of the Commonwealth a sworn statement of the subscription. Sec. 7. Capital to be subscribed. Statement to be filed.

A company shall not at any time contract or owe debts to a larger amount than one-half part of its capital stock, actually paid in. Sec. 8. Limit of debt.

A president and treasurer of each company shall be jointly and severally liable for all its indebtedness in case of wilful neglect or omission on their part to comply with any of the provisions of this chapter. Sec. 9. Limit of officers.

Every company shall receive despatches from and for other telegraph lines, companies and associations, and from and for any person, and on payment of the usual charges for transmitting despatches according to the regulations of the company shall transmit the same faithfully and impartially. For every wilful neglect or refusal so to do, the company shall forfeit a sum of money Sec. 10. Duties of companies. Penalty for neglect.

not exceeding one hundred dollars, to be recovered in an action of tort by the person, association or company sending or desiring to send the despatch.

SEC. 11.

Companies to charge same compensation for despatches sent by mail, &c., as from individuals.

Penal y.

Telegraph companies and associations shall receive, compute and transmit despatches received at their office from other telegraph companies, or by mail at the same rates of charges as for despatches received for transmissions from individuals in person at the same offices bearing date of the day, and at the place of the office where any such despatch is received. For every wilful neglect or refusal to comply with the foregoing provisions by a telegraph company or association, it shall forfeit a sum of not exceeding one hundred dollars to be recovered in an action of tort by the person, company or association sending or desiring to send the despatch.

SEC. 12.

When an injury is done to a person or to property by the posts, wires or other apparatus of a telegraph line, the company shall be responsible in damages to the party injured. If the same are erected on a highway or town way, the city or town shall not, by reason of anything contained in this chapter or done thereunder, be discharged from its liability, but all damages and costs recovered against a city or town on account of such injury, shall be reimbursed by the company owning the posts, wires or other apparatus.

SEC. 13.

Company to make annual returns, &c.

Every telegraph company shall annually, on or before the fifteenth day of October, make returns to the Secretary of the Commonwealth, according to the forms to be furnished on application to him, specifying therein the location and line of its telegraph, its name, capital actually paid in and how invested, annual receipts and expenditures, real estate and its value, cash on hand, credits on book account and the amount of its indebtedness; which returns shall be signed by the president, clerk and treasurer of the company, and by them be sworn to be true, according to the best of their knowledge and belief.

SEC. 14.

Unincorporated Companies.

Owners and associations engaged in the business of telegraphing for the public by electricity, although not

incorporated, shall be subject to the liabilities and governed by the provisions of this chapter, in the same manner as corporations.

No enjoyment, by a person or corporation, for any length of time, by the privilege of having or maintaining telegraph posts, wires or apparatus in, upon, over, or attached to any building or land of any other persons, shall give a legal right to the continued enjoyment of such easement, or raise any presumption of a grant thereof.

SEC. 15.
No easement
by having telegraph posts
&c.

Whoever unlawfully and intentionally injures, molest or destroys any line, wire, post, pier or abutment, or any of the materials or property of any company, owner or association, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both.

SEC. 16.
Penalty for injuring, &c., lines, wires, &c.

Whoever, in order to move a building, or for any necessary purpose, desires to cut, disconnect or remove the wires of any such company, may do so, exercising reasonable care, if he has first left a written statement signed by him, of the time when, and the place described, by reference to the crossings of streets, or highways, where he wishes to remove said wires, at the office of the company in the town where such place is situated, twenty-four hours before the time so stated, or when there is no such office, if he has deposited such statement in the post-office, properly prepaid and directed to the company at its office nearest to said place, three days before the time mentioned in said statement.

SEC. 17.
Telegraph wires may be cut, &c., to move buildings and for other purposes.

Whoever cuts, disconnects, removes or otherwise interrupts the use of any telegraph wire, without first giving notice, as provided in the preceding section, shall be punished as provided in section sixteen.

SEC. 18.
Penalty for cutting without first giving notice.

The two preceding sections shall not apply to any wires attached to telegraph poles which have not been erected in compliance with the provisions of law.

SEC. 19.
Two preceding sections not to apply to certain wires

MASSACHUSETTS.

CHAPTER 112.

OF RAILROAD CORPORATIONS AND RAILROADS.

SEC. 75.
Taking stock in
a telegraph
Company.

A railroad corporation may hold stock in a telegraph company whose telegraph connects two or more places on the railroad, to an amount not exceeding two hundred dollars for each mile of railroad so connected.

MASSACHUSETTS.

VOL. 29. N. S.

CHAPTER 200.

SEC. 1.
May hold stock
in certain cor-
porations.

Section two of chapter one hundred and seventeen of the acts of the year eighteen hundred and eighty, is hereby amended by striking out the words, "*Provided*, that said corporation shall not become a stockholder in any other corporation doing business in this State, to an amount exceeding thirty per cent. of the capital stock of said last named corporation," and inserting in the place thereof the words, "*Provided*, that said corporation shall not become a stockholder in any other corporation doing business in this Commonwealth, except corporations operating under license from it, and corporations whose business within this Commonwealth consists solely in the manufacture, sale, or manufacture and sale of electrical apparatus, to an amount exceeding thirty per cent. of the capital stock of such other corporations."

SEC. 2.

This act shall take effect upon its passage.

MASSACHUSETTS.

ACTS AND RESOLVES, 1880-81.

VOL. 19. N. S.

CHAPTER 83.

The city council of any city, and the selectmen of any town, may establish reasonable regulations for the erection and maintenance of all telegraph and telephone lines of wire within their respective cities and towns, including fire alarm and police lines, and all other lines owned or used by said cities or towns, and may permit the same to be laid under any public way or square. In cities, such regulations shall be made by ordinance.

SEC. 1.
City and town authorities may regulate erection of telegraph and telephone lines.

If any such line be constructed or maintained in violation of any such regulations, the city or town shall cause the owner or owners, constructor or constructors, or parties using the same, to be forthwith notified of such violation in writing, setting forth said violation particularly, and if after such notice the said parties or any of them shall proceed in such construction, or shall not within a reasonable time alter said lines to conform to said regulations, it shall be lawful for the Supreme Judicial Court or any Justice thereof, either in term time or vacation, to issue an injunction restraining such person or persons from further progress in said work until the facts of case shall have been investigated and determined, and if it shall appear to the Court on such an investigation that any of such regulations have been violated, to restrain by injunction the further prosecution of such work, or by order to direct such line to be removed or altered, as it may deem proper, at the expense of the owners or contractors thereof, or persons using the same. In case any line belonging to or used by any city or town, or

SEC. 2.
Construction of line—violation of regulations may be restrained by the Supreme Judicial Court

any of its departments, shall be constructed or maintained in violation of such regulations, the like actions may be taken by the Court upon the complaint of any party injured thereby, after such notice to the city or town as the Court or some Justice thereof may order.

SEC. 3.
Citizens of the
State may be
authorized to
establish
posts, wires,
&c.

Chapter sixty-four of the General Statutes shall be construed to authorize the Mayor and Aldermen of cities, and the Selectmen of towns, to empower individuals, who are citizens of Massachusetts, to establish and maintain posts, wires and other apparatus for telegraphic and telephonic communication in conformity with the provisions of said chapter and other laws now, or hereafter, applicable to telegraph or telephone companies.

SEC. 4.

This act shall take effect upon its passage.

Approved March 11, 1880.

MARYLAND.

REVISED CODE, 1878.

TELEGRAPH, EXPRESS, OR TRANSPORTATION COMPANIES
OR ASSOCIATIONS.

ARTICLE XII.

LICENSES.

It shall not be lawful for any telegraph company, or ^{Sec. 33.} for any person, firm, partnership or corporation to do ^{1874. C. 370.} the business of telegraphing for profit or hire in any ^{License for telegraph companies.} way within this State, or to receive compensation thereof, or to open any office for the transaction of such business within this State, without first obtaining a license thereof as hereinafter provided.

Any telegraph company, person, firm, partnership, as- ^{Sec. 35.} sociation or corporation, proposing to do the business of ^{Id., SEC. 6.} telegraphing for profit or hire within this State, and any ^{Amount of same.} express or transportation company, or any person, firm, partnership, association or corporation, proposing to do the business of transporting or forwarding for profit or hire within this State, of goods or packages of any sort, or of any article of trade or traffic, shall pay to the Comptroller for a license to do such business in this State, for one year, the sum of three hundred dollars, or a proportional part of said sum for any fractional part of a year not less than one month; and all licenses so issued shall be made to expire on the first day of May next, succeeding the date of their issue.

Service of legal process upon any of the officers or ^{Sec. 36.} agents or any person, firm, partnership, association, com- ^{Service of process on local officers or agents sufficient.} pany or corporation, transacting said business of telegraphing or transporting or forwarding for profit or hire

as aforesaid, within this State, shall be a sufficient service on the person, firm, partnership, association, company, or corporation; provided a copy of such process shall be placed in the post office, by the officer serving the same, directed to the officer in charge of principal office of said person, firm, partnership, association, company or corporation, in the city of Baltimore, and such officer in making return of such process shall certify to the Court on the day of said service, that he complied with the provisions of this section, by placing such copy in the post office so directed, with the postage stamp annexed to the envelope containing the same.

SEC. 37.
Id., Sec. 9.
Partly for doing
business with-
out a license.

If any telegraph company, person, firm, partnership, association, or corporation, shall so do the business of telegraphing for profit or hire within this State, or shall open any office or offices for the transaction of such business, or if any express or transportation company, or any person, firm, or partnership, association, or corporation, shall do the business of transporting, or forwarding any article of trade or traffic for profit or hire within this State, or shall open any office or offices for the transaction of such business, without first having obtained a license to transact such business as aforesaid, the company, person, firm, partnership, association, or corporation, so offending, shall be subject to a penalty of one thousand dollars, to be recovered by suit in the name of the State of Maryland, in any Court in this State having jurisdiction over the said claims; and one-half of said penalty, when recovered, shall be paid in to the Treasury of the State, and other half of the said penalty shall be paid to the informer.

SEC. 38.
Id., Sec. 9.
Agents acting
without li-
cense. Guilty
of misdemea-
nor.

Any person acting as agent for any telegraph company, or express or transportation company, firm, partnership, association, or corporation, in violation of preceding section, shall be guilty of a misdemeanor, and shall be liable to indictment therefor, and on conviction in any Court having jurisdiction, shall be fined not exceeding five hundred dollars.

SEC. 39.

Any telegraph company, express or transportation com-

pany, person, firm, partnership, association, or corporation, proposing to do business of telegraphing for profit or hire within the limits of any single county in this State, or within the limits of the city of Baltimore, or proposing to do the business of transporting or forwarding, for profit or hire, within the limits of a single county in this State, or within the limits of the city of Baltimore, any article of trade or traffic, or any package or parcel of goods of any sort, shall pay to the Clerk of the Circuit Court, for the county in which said business is proposed to be done, or to the Clerk of the Court of Common Pleas of the city of Baltimore, if the said business is proposed to be done in said city, the sum of twelve dollars for a license to do said business, for one year, or a proportionate part of said sum for any fractional part of a year, not less than one month; and all licenses so issued shall be made to expire on the first day of May next succeeding the date of their issue.

Id., Sec. 10.
License within
limits of sin-
gle county or
city of Balti-
more.

Any person offending in any way by violating the provisions of the last preceding section, either as agent or otherwise, shall be liable to a prosecution therefor, and upon indictment and conviction thereof in any Court having jurisdiction, not less than twenty, nor more than one hundred dollars, and shall stand committed until the fine and costs are paid.

Sec. 40.
Id., SEC. 11.
Penalty.

MARYLAND.

REVISED CODE, 1878

PROVISIONS FOR THE FORMATION OF CORPORATIONS.

ARTICLE 40.

Corporations may be formed in this State under the provisions hereinafter set forth by any five or more

Sec. 14.
How formed.

persons, citizens of the United States, and a majority of them, citizens of this State, or if unnaturalized, residents of this State, making oath that they *bona fide* intend to become citizens of the United States without unreasonable delay, who may desire to form a body, corporate or politic, for any of the following purposes :

* * * * *

Sec. 24. CLASS 11. For constructing, owning or operating
Telegraph lines, telegraph lines in this State, where the principal office
of said corporation is located in this State.

MARYLAND.

FORMATION POWERS AND REGULATIONS OF CORPORATIONS.

For Construction, Owning or Operating Telegraph lines.

SEC. 130.
Id., SEC. 127. Corporations for owning, constructing, or of owning,
Telegraph com- leasing, constructing, and operating a line or lines of
panies. How telegraph through this State, or from or to any point or
Incorporated. points within this State, or upon the boundaries there-
46 Md., 67. of, may be formed as hereinbefore provided.

SEC. 131.
Id., SEC. 128. Such corporations may, with the consent of the ma-
Power to pur- jority of its stockholders, given in general meeting, be-
chase. come the purchaser, assignee, or lessee of any property
within this State, of any telegraph company or compa-
nies now existing, or which may hereafter be incor-
porated, or may be doing business within this State.

SEC. 132.
Id., SEC. 129. It may construct a line or lines of telegraph through
Power to con- this State, or from or to any point or points within this
struct tele- State, or upon the boundaries thereof, and along and
graph lines. upon any postal roads and postal routes, roads,
streets and highways, or across any of the bridges
or waters within the limit of this State, by the

erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines, without their being deemed a public nuisance or subject to be abated by any private party; *Provided*, the same shall not be constructed as ^{Proviso.} to incommode, injuriously, the public use of said postal roads, or postal routes, roads, highways and bridges, ^{Postal road.} or injuriously interrupt the navigation of said waters, or as to interfere with any land-owner more than is unavoidable, and that this section shall not be construed as to authorize the construction of any bridge across any of the navigable waters of the State; but the said corporation shall be responsible for any damages which ^{Responsibility.} any person or corporation may sustain by the erection, continuance and use of such fixtures, and in any action brought for the recovery thereof by the owner or possessor of any lands, the damages to be awarded may, at ^{Damage.} the election of such corporation, include the damages of allowing the said fixtures, permanently, to continue, on payment of which damages the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit; *Provided*, that no ^{Proviso.} person or body politic shall be entitled to sue for or recover of damages as aforesaid until the said corporation, after due notice, shall have failed or refuse to remove, in reasonable time, the fixtures complained of, or the president or directors of the said company may apply to a justice of the peace of the county or city of ^{Justice of Peace to issue.} where such lands are, who shall thereupon issue his warrant, directed to the sheriff of said county or city, commanding him to summon twelve disinterested persons, qualified to serve as jurors, to meet at the proper place, as directed by the said Justice; and the sheriff ^{Jurors.} shall qualify the said persons, by oath or affirmation, faithfully to perform the duties required of them by the next succeeding section.

The said jury shall make a just and equitable ap- ^{SEC. 133.} praisement of all the loss or damage that may be sus- ^{Appraisement for loss of damage.} tained by any person or corporation on, or over whose

lands or bridges said posts, piers or abutments are intended to be placed, and shall make a true return and inquisition thereof, in writing, under their hands and seals.

SEC. 134.
Id., SEC. 132.
Inquisition.

The sheriff shall make return of the inquisition so found to the Clerk of the Circuit Court of the county, who shall file the same and lay it before the said Court at its next session; and such inquisition shall be confirmed by said Court, unless good cause be shown to the contrary, and when confirmed shall be recorded by the Clerk, at the expense of the corporation; but, if set aside, the said Court may direct another inquisition to be taken, in the manner above prescribed. The valuation of such loss or damage, when paid or tendered to the owner or owners of the property, or his, her or their legal representatives, shall entitle the said corporation to the easement thus valued, as fully as if it had been conveyed to said corporation by the owner or owners of the same; and the valuation, if not received when tendered, may, at any time thereafter, be received from the company, without costs, by the said owner or owners, or his, her or their legal representative or representatives.

SEC. 135.
Capital stock.

Any such corporation formed as aforesaid, may, after its capital stock has been fully paid up, with the consent of the majority of the owners of the capital stock of such corporation, given in general meeting, extend their lines of telegraph, or may construct branch lines to connect with their main line, or may form a new corporation by uniting with another incorporated telegraph corporation or corporations, with such name and capital stock, and upon such terms as may be agreed upon between the said corporations; and whenever such union as aforesaid is made, a certificate of said union and of particulars thereof, shall be executed and acknowledged by the president or other principal officers of said corporations so uniting, which said certificate shall be recorded in the Clerk's Office of the Superior Court of Baltimore City, if the principal office of the said consolidated corporations is therein located, or

Confirmation
of the Court.

Valuation.

Easement.

Extending lines

Consolidated
companies.

Certificates.

in the Office of the Clerk of the Circuit Court of that city, in which said principal office is located, and when said consolidated company is formed, it shall be subject to the provisions of this article, so far as the same is applicable.

Any person, association, or corporation, owning any telegraph line doing business within this State, shall receive despatches from and for other telegraph lines, associations and companies, and from and for any other individual, and shall transmit such despatches in the manner established by the rules and regulations of such telegraphic lines, and in the order in which they are received, with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered, with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such despatch; *provided*, however, that arrangements may be made with the proprietors or publishers of newspapers for transmission of intelligence of general and public interest, for the purpose of publication out of its order.

If the wires or cords of any telegraph line be located or stretched or extended from one post or pole to another in such a manner as to prevent the owner of any timber growing along the line of such telegraph corporation from cutting and felling the same, and the owner thereof in cutting or felling such timber shall injure the wires, cords, or posts of such telegraphic lines, shall not be liable to an action for damages unless it shall appear that in such cutting or felling, or in having the same cut or felled, the said owner wilfully and intentionally injured such wires, cords and posts.

To be recorded
in the office
of the Court.

Sec. 136.
Despatches.

Penalty.

Proviso.

Newspaper.

Sec. 137.
Injuring wires,
posts, cutting
timber near
by.

MARYLAND.

REVISED CODE, 1878.

ARTICLE 72.

CRIMES AND PUNISHMENTS.

TELEGRAPHS.

SEC. 97. Any person who shall unlawfully and intentionally in-
 jure, molest or destroy any of the lines, posts, piers or
 Injuring lines, posts, piers, abutments. abutments, or the materials or property connected with
 the working of any telegraph line, shall, on conviction
 thereof, be deemed guilty of a misdemeanor, and be
 Punishment. punished by a fine not exceeding five hundred dollars,
 or imprisonment in the county or city jail not exceed-
 ing one year, or both, at the discretion of the Court be-
 fore which the conviction shall be had.

TELEGRAPH MESSAGES.

SEC. 98. Any person connected with any such corporation in
 Divulging the contents of this State, either as clerk, operator or messenger, or
 communications. in any other capacity, who shall wilfully divulge the
 contents or the nature of the contents of any private
 communication intrusted to him for transmission or de-
 livery, or who shall wilfully refuse or neglect to trans-
 mit or deliver the same shall, on conviction before any
 Court be adjudged guilty of misdemeanor, and shall
 suffer imprisonment in jail in the county or city where
 such conviction shall be had for a term of not more than
 three months, or shall be fined not exceeding five hun-
 dred dollars, in the discretion of the Court.

M A R Y L A N D .

L A W S O F M A R Y L A N D .

CHAPTER 230.

An act to repeal the 132d Section of Chapter 471 of the acts of January, 1868, Entitled "An act to repeal Article 26 of the Code of Public General Laws and to enact a substitute therefor, and to repeal Section 22 of Article 16, Sections 99 to 103 of the same article, and Sections 33 to 43 of Article 88 of the Code of Public General Laws," and to reenact the same with amendments relating to the consolidation of telegraph companies and the extension of their lines into other States.

Be it enacted by the General Assembly of Maryland, SEC. 1.

That section one hundred and thirty-two of chapter four hundred and seventy-one of the acts of January session, eighteen hundred and sixty-eight, entitled "An act to repeal article twenty-six of the Code of Public General Laws, and to enact a substitute therefor, and to repeal section twenty-two of article sixteen, sections ninety-nine to one hundred and three of the same article, and sections thirty-three to forty-three of article eighty-eight of the Code of Public General Laws," be and the same is repealed and re-enacted so as to read as follows :

Repealed and
enacted.

Any such corporation formed as aforesaid may, with SEC. 132.
the consent of a majority of the owners of the capital Extended lines
of tele. cph.
stock of such corporation, given in general meeting, extend their lines of telegraph into any other State, or may construct branch lines in this State, or any other State, or may lease, sell or convey its property, rights, privileges and franchises, or any interest therein, or any part thereof, to any telegraph company organized under or created by the laws of this or any other State, and may acquire by lease, purchase or conveyance the property, rights, privileges and franchises, or

any interest therein, or any part thereof of any telegraph company organized under or created by the laws of this or any other State, upon such terms and conditions as may be agreed upon between the respective companies, or may consolidate with any other telegraph company or incorporation of this or any other State, under such name and with such capital stock, and upon such terms as may be agreed upon between such companies or corporations; and whenever such consolidation as aforesaid is made, a certificate of the same, and of particulars thereof, shall be executed and acknowledged by the presidents or other principal officers of said corporations so consolidating, which said certificate shall be recorded in the Clerk's office of the Superior Court of Baltimore City, if the principal office of the said consolidated corporation in this State is located in Baltimore City, or in the office of the Clerk of the Circuit Court of that county, in which the principal office of said consolidated company in this State is located, and when said consolidated company is formed it shall be subject to provisions of this act as far as the same are applicable.

May consoli-
date.

Acknowledge.

Sec. 2.
Effective.

And be it enacted, That this act shall take effect from and after the day of its passage.

Approved May 3, 1882.

LAWS OF MARYLAND.

CHAPTER 231.

An Act to Enlarge the Powers of Railroad Companies by Authorizing them to Transact Express and Telegraph Business.

Sec. 1.

Be it enacted by the General Assembly of Maryland, That every railroad company of this State, whether in-

corporated under the general railroad law, or heretofore or hereafter incorporated under any special act, is hereby authorized to do an express business, charging reasonable rates therefor; including in the term express business, all that can be or is ordinarily done by express companies organized for such purpose; and every such railroad company is hereby authorized to construct, maintain and operate telegraph lines and to do a general telegraph business for the public, charging reasonable rates therefor, subject to all the rules and regulations prescribed by law for the transaction of telegraph business by telegraph companies. Operate telegraph lines.

And be it enacted, That this act shall take effect from Sec. 2. and after the day of its passage. Effective.

Approved April 3, 1882.

Companies
and Tele-

Maryland,
whether in-

LAWS OF MICHIGAN.

[Compiled.]

STATUTES OF 1871.

CHAPTER 80.

(p. 873.)

SECTION 1. The People of the State of Michigan enact, That any number of persons may associate for the purpose of constructing a line of wires of telegraph through this State, or from and to any point within this State, upon such terms and conditions, and subject to the liabilities prescribed in this act.

SEC. 2. Such persons, under their hands and seals, shall make a certificate which shall specify :—

First.—The name assumed to distinguish such association, and used in its dealings, and by which it may sue and be sued.

Second.—The general route of the line of telegraph designating the points to be connected.

Third.—The capital stock of such association, and the number of shares into which the stock shall be divided.

Fourth.—The names and places of residence of stockholders, and the number of shares held by each of them respectively.

Fifth.—The term of its existence not to exceed thirty years ; which certificate shall be proved or acknowl-

edged, and recorded in the office of the Clerk of the County where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State. Such acknowledgment may be taken by any officer authorized to take the acknowledgment of deeds of real estate, at the place where such acknowledgment is taken.

SEC. 3. Upon complying with the provisions of the last preceding section, such association shall be, and hereby is, declared to be a body corporate by the name designated in said certificate; and a copy of said certificate, duly certified by the Clerk of the County where the same is filed and recorded, or by the Secretary of the State, may be used as evidence in all Courts and places, for and against any such association.

SEC. 4. Such association shall have power to purchase, receive and hold and convey such real estate, and such only, as may be necessary for the convenient transaction of the business, and for effectually carrying on the operation of such association, and may appoint such directors, officers and agents, and make such prudential rules, regulations, and by-laws as may be necessary in the transaction of their business not inconsistent with the laws of this State, or of the United States. But this section shall not be so construed as to authorize any such association to hold any real estate, except such as shall be actually occupied by such association in the exercise of its franchises.

SEC. 5. Such association is authorized to enter upon, and construct, and maintain lines of telegraph through, along, and upon any of the public roads and highways, or across or under any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines. Provided, That the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt

the navigation of said waters, nor shall this act be so construed as to authorize the construction of any bridges across any of the waters of this State; said association, instead of running or placing their wires on posts, may, if they choose, run or place the same under ground, with a suitable or proper covering for the protection of the same; and any part of this act, or any laws made or to be made providing for the appraisement of damages to any person injured by the construction or maintenance of such line or lines, shall be construed to include damages occasioned by the construction of said lines under ground, as provided by this act.

SEC. 6. If any person over or through whose lands said lines shall pass, upon which said posts, piers, or abutments shall be placed, or whose lands said lines shall be run under ground, shall consider himself aggrieved or damaged thereby, it shall be the duty of the Circuit Court of the county within which said lands are, on the application of such person, and on notice to said association (to be served on the President or any director) to appoint three discreet and disinterested persons as commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of the said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damages sustained by said applicant by reason of said lines, posts, piers, or abutments, which appraisal shall be in writing, signed by said commissioners, or a majority of them, and filed in the office of the Clerk of said Court. Said report or appraisal may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report or appraisal and objections against the confirmation thereof on the part of all parties interested therein, notice of which day shall be given to said association by service thereof on the President or any director.

MICHIGAN.

ANNOTATED STATUTES, 1882.

TIT. VIII. TAXES AND DUTIES.

CHAPTER 28.

OF SPECIFIC STATE TAXES AND DUTIES.

The People of the State of Michigan enact :

That all telegraph and telephone lines built and operated within the State of Michigan, shall be subject to taxation as hereinafter provided. Sec. 1237. Taxation of telegraph and telephone lines.

It shall be the duty of the president, vice-president, general manager or superintendent of every telegraph or telephone company operating a line or exchange in this State, to furnish the Auditor-General on or before the first Monday of July in each year, a statement under oath, and in such form as the Auditor-General may prescribe, showing the following facts :

First.—The total number of miles owned, operated or leased within the State, with a separate showing of the number leased.

Second.—The total number of miles in each separate line or division thereof, together with the number of separate wires thereon, and stating the counties through which the same is carried or in which the business is conducted.

Third.—The total number of telegraph or telephone stations on each separate line, and the total number of telegraphic or telephonic instruments in use therein, together with the total number of stations other than railroad stations maintained.

Fourth.—The average number of telegraph poles per

mile used in the construction and maintenance of said telegraph line.

Fifth.—The number of poles and the number of wires used for each telephone exchange or line.

SEC. 1238.
Officers consti-
tuting board
of review.
Duty of.

Upon the receipt of the said statement from the several companies, the Auditor-General, State Treasurer and Commissioner of the Land office, who are hereby constituted a board of review for that purpose, shall during the month of July, in each year, proceed to assess said telegraph and telephone lines at the true cash value thereof. Said board of review shall have power to personally inspect the line and instruments of any telegraph or telephone company or exchange, and shall each be entitled to the sum of three dollars per day, for the time actually spent in the discharge of the duties imposed by this act, to be allowed by the board of State Auditors.

SEC. 1239.
Determine rate
of tax to be
levied.

The said board of review shall also at the same time determine the rate of tax to be levied and collected upon said assessment, which shall be the same as the average rate of taxes, general, municipal and local, levied throughout the State during the previous year, which rate shall be ascertained from the records and files in the Auditor-General's office, which tax shall be in lieu of all other taxes, State and local, and shall be payable to the State Treasurer.

SEC. 1240.
When tax due
and payable.

The taxes levied as provided in this act shall become due and payable to the State Treasurer on the first day of January following the levy thereof, and if said taxes are not paid as hereinafter provided, the State shall have a lien upon any line upon which such taxes are not paid and its appurtenances, and for all taxes which may accrue thereon to the State by virtue of the provisions of this act, which shall have precedence of all other liens.

SEC. 1241.
What lines
exempt.

Any telegraph or telephone line which may be owned and operated by any railroad company, exclusively for the transaction of business of such company, shall be exempt from the provisions of this act.

If the officers of any company fail to make and file the report required by section two of the act, such neglect shall not release its lines from taxation, but the said board of review shall proceed to assess the line notwithstanding. And any company neglecting or failing to make the statement required by section two of this act shall forfeit not less than five hundred nor more than ten thousand dollars, in the discretion of the Court, to be recovered in an action of trespass on the case in any Court of competent jurisdiction.

Sec. 1342.

Failure to report not to release company from tax.

Penalty for neglect.

Act number seventy-nine of the Session Laws of eighteen hundred and seventy-nine, approved May twentieth, eighteen hundred and seventy-nine, entitled :
 "An Act to provide for the assessment and taxation of telegraph lines within the State of Michigan, and all other acts or parts of acts contravening the provisions of this act are hereby repealed."

Sec. 1343.

Acts repealed.

MICHIGAN.

ANNOTATED STATUTES—Continued.

TITLE XXXIX. CRIMES AND THE PUNISHMENT THEREOF.

CHAPTER 324.

OFFENCES AGAINST PUBLIC POLICY.

The People of the State of Michigan enact :

That every person connected with any telegraph company in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents or the nature of the contents of any private

Sec. 9327.

Penalty for wilfully.

communication entrusted to him or her for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any Court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail or work house in the county where such conviction shall be had, for a term not more than three months, or shall pay a fine not to exceed five hundred dollars, in the discretion of the Court.

M I C H I G A N .

PUBLIC ACTS OF 1883.

No. 72.

An Act relating to telephone companies and to regulate the use and rental of telephones in this State

Sec. 1.

Telephone com-
panies to re-
ceive and
transmit
messages, &c.

The People of the State of Michigan enact, That it shall be the duty of every telephone company, or person, firm, or corporation, engaged in the business of leasing telephones to the public, or supplying the public with telephones, and telephonic service, or operating a telephone exchange, to receive and transmit, without discrimination, messages from and for any other company, person or persons, upon payment or tender of the usual or customary charges therefor, and upon payment or tender of the usual or customary charges, or usual or customary rental sum, it shall be the duty of every telephone company, or person or persons, firm or corporation, engaged in the business of leasing telephones to the public, or supplying the public with telephones and telephonic services, or operating a telephone exchange, to furnish without unreasonable delay, without discrimination, and without any further or additional charge to

To furnish tele-
phone, wires,

the person, firm or corporation applying for the same, including all telegraph companies, a telephone or telephones, with all the proper or necessary wires and fixtures, and the use of such telephones, wires, and fixtures, as well as connection with the central office, or telephone exchange, if desired, and shall connect telephone of such person, firm or corporation, with the telephone of such other person, firm or corporation, having connection with the same, or a connecting exchange or central office, whenever requested so to do, without regard to the character of the message to be transmitted, provided they are not obscene nor profane; and every company, person, firm, or corporation, neglecting, or refusing to comply with any of the provisions of this act, shall forfeit all right to transact telephone business in this State, and may be enjoined therefrom, and from leasing telephones to the public, from supplying the public with telephones and telephonic service, and from operating a telephone exchange, by bill of complaint filed in any Court of competent jurisdiction, by any person, firm, or corporation, injured, interested or denied any of the rights herein given; or such person, firm or corporation neglecting or refusing to comply with any of the provisions of this act, shall forfeit not less than twenty-five, nor more than one hundred dollars, for each and every day such neglect or refusal shall continue, one-half to the use of the person, firm, or corporation prosecuting therefor.

Approved May 3d, 1883.

fixtures, etc.,
and connection
with central office, &c.

Neglect or refusal of companies, how punished.

Proceedings in Court.

Forfeitures.

LAWS OF MINNESOTA.

Telegraph companies may be organized under Chapter 1, Title 1 of the Statutes at Large of Minnesota. See Bissells Stats. Chicago, 1873, p. 419.

SECTION 1. Any number of persons, not less than five, may associate themselves and become incorporated for the purpose of building, improving and operating railways, telegraphs, * * * and all works of internal improvement which require the taking of private property, or easement therein.

SEC. 2. They shall organize by adopting and signing articles of incorporation, which shall be recorded in the office of the Register of Deeds of the county where the principal place of business is to be, and also in the office of the Secretary of State, in books kept for that purpose.

SEC. 3. Said articles shall contain :

First.—The name of the corporation, the general nature of the business and the principal place, if any, of transacting the same.

Second.—The time of commencement and the period of continuance of said corporation.

Third.—The amount of capital stock of said corporation and how to be paid in.

Fourth.—The highest amount of indebtedness or liability to which said corporation shall at any time be subject.

Fifth.—The names and places of residence of the persons forming such association.

Sixth.—The names of the first Board of Directors, and in what officers or persons the government of the corporation and the management of its affairs shall be vested, and when the same are elected.

Seventh.—The number and amount of the shares in the capital stock of said corporation.

And shall be published for four successive weeks in some newspaper printed and published at the capital of the State; provided, That in cases where articles of incorporation have been adopted and signed, as provided in sections two and three of this chapter, and filed for record in the office of the Secretary of State, the publication of the same for one week in some newspaper published at the capital of this State, shall be a sufficient publication under this chapter, and upon filing an affidavit of proof of such publication in the office of the said Secretary of State, the persons named in such articles shall thereupon become a corporation, with the authority and powers in this chapter provided and intended.

SEC. 4. (As amended by act of March 10, 1873.)
When articles are filed, recorded and published as aforesaid, the persons named as incorporators therein become a body corporate, and are authorized to proceed to carry into effect the objects set forth in said articles in accordance with the provisions of this title, and shall have perpetual succession, sue and be sued by its corporate name, and have a common seal, which it may alter at pleasure, may render the interest of its stockholders transferable, establish by laws and make all rules and regulations deemed expedient for the management of its affairs in accordance with law, and not incompatible with an honest purpose; and whenever, after the adopting, filing, publication and recording of the articles of incorporation as provided in section three of this (said) chapter, and the creation thereby of a body corporate; the said corporation shall resolve to alter, modify, or change any of its articles of incorporation, such corporation may by resolution duly passed at any regular meeting of the directors thereof, adopt a new article or articles, altering, modifying, or changing any of the original articles of incorporation; provided such alteration, modification, or change shall only relate to and

affect the name of such incorporation, the general nature of its business and the principal place of transacting the same, the amount of its capital stock and how to be paid in, the highest amount of indebtedness or liability to which said corporation shall at any time be subject, and the number and amount of the shares of its capital stock; and provided, further, that no such new and amended articles of incorporation shall become operative or valid to alter, modify, or change such original articles of incorporation until the same shall be filed, published and recorded in the same manner and with like formalities that the original articles of incorporation are now required to be filed, published and recorded, and when so adopted the said amended articles of incorporation shall be substituted for and take the place of the original articles of incorporation so amended.

SEC. 5. Contains the same provisions for the construction and renewal of the corporation as the Iowa statutes.

SEC. 9. Provides for corporate debts, &c.

The private property of each stockholder in any corporation formed as herein provided is liable for corporate debts in the following cases:

First.—For all unpaid installments on stock owned by him or transferred for the purpose of defrauding creditors.

Second.—For a failure by the corporation to comply substantially with the provision aforesaid as to organization and publicity.

Third.—When he personally violates any of the provisions of this title in the transaction of any business of the corporation, as officer, director or member thereof or is guilty of any fraud, unfaithfulness or dishonesty in the discharge of any official duty.

Fourth.—To the amount of the stock held or owned by him in all cases.

SEC. 13. Any corporation organized or reorganized

under the provisions of this title, may obtain the right of way over and across any lands needed for the construction of any railroad or telegraph and necessary sites and grounds for depots, shops, * * * * * and a right of way on and over the bed of any river, lake, or water course and the banks thereof * * * * .

SEC. 14. And the following sections provide the mode of assessing the damages sustained by the owners of lands appropriated.

SEC. 22. Provides for appeals from assessment.

SEC. 23. Provides that the prosecutors of the work shall not be delayed if the corporation will file a bond.

SEC. 28. Any telegraph organization organized under this title has power and right to use the public roads and highways in this State, on the line of their route for the purpose of erecting posts, or poles on or above the same to sustain the wires or fixtures: provided that the same shall be so located as in no way to interfere with the safety or convenience of ordinary travel on or over the said roads or highways.

By Act of 1867, chap. 31, Sec. 5, it was provided that;

The owners of any telegraph line constructed and in operation within the limits of this State shall pay to the State an annual tax of forty cents per mile for every mile of route occupied, in lieu of all other taxes which shall be paid in January of each year to the State Treasurer.

SEC. 1 of this act provides for the punishment of any one molesting or destroying any telegraph line.

SEC. 2 Provides for punishment of employees for revealing contents of messages.

LAWS OF MISSISSIPPI.

CODE.

IN RELATION TO TELEGRAPH COMPANIES.

Article 6.

SEC. 2430.

All companies or associations of persons incorporated or organized for the purpose of constructing telegraph lines in this State, shall be authorized to construct the same, and to set up and erect their posts and fixtures along and across any of the public highways, streets, or waters in this State, and along and across all turnpikes, railroads and canals, and also through any of the public lands belonging to this State ; but the same shall be so constructed and placed as not to interfere with the common use of such roads, streets or waters, or with the convenience of any land owner, more than may be avoidable. And in case it shall be necessary to cross any highway, the same shall be so constructed to cross such highway at right angles.

SEC. 2431.

The Board of Supervisors of any county, or the corporate authorities of any town or city through which any telegraph line may run, shall have power and authority to regulate within their respective limits the manner in which the same shall be constructed and maintained, with a view to the safe and convenient use of the public highways, by persons traveling thereon ; and if the proprietors of any telegraph line shall refuse or omit to comply with such regulations, they shall be liable to indictment, and on conviction may be fined not exceeding one hundred dollars for each offence ; and, moreover, the said Board of Supervisors or corporate authorities of such town or city may cause such line to be abated within their respective jurisdiction as a nuisance.

SEC. 2432.

Such companies or associations shall be responsible

for any damages which any person may sustain by the erection, continuance and use of such line, and the fixtures thereof; and in any action for the recovery thereof, brought by any owner or possessor of land over or along which such line may run, damages shall be assessed for the permanent continuance of such line and fixtures, and on payment thereof the right to continue and use such line and fixtures shall exist as if by leave and license of the owner of the land.

Such companies or associations shall likewise be Sec. 2433. responsible for any damage to the person or property of another by the falling of the wires or otherwise, if such injury shall appear to have been occasioned by any negligence or want of proper care in the construction, supervision or management of said line; and in order that persons sustaining an injury may have the proper remedy in the county where the injury may be sustained, all such companies and associations shall appoint an agent or attorney in each county through which their line of telegraph may run, for the purpose of receiving service of all process in suits against such company or association. Which appointments shall be in writing, and recorded in the office of the Chancery Clerk, and all process served on such agent or attorney shall be as good and effectual as if served on the company or association, or the individuals composing the same, and if any such company or association shall fail to appoint such agent, or attorney, the process may be served on any agent, officer or operator in the employ of said company or association, and the return of the Sheriff or other officer executing such process shall be good evidence that such person is such agent, officer, operator or employee.

Such companies or associations shall be bound, on Sec. 2434. application of any officer of this State, or of the United States, in case of any war, insurrection, riot or other civil commotion or resistance of public authority, or for the prevention and punishment of crime, or for the arrest of persons suspected or charged therewith, to give to the communications of such officers, immediate dis-

patch at the price of ordinary communications of the same length, and if any officer, agent, operator or employee of any such company or association, shall refuse or wilfully omit to transmit such communication as aforesaid, or shall designedly alter or falsify the same, for any purpose whatever, the person so offending shall be liable to indictment, and on conviction may be fined and imprisoned at the discretion of the Court.

SEC. 2435.

If any person shall wilfully injure or in any manner obstruct or interrupt the working of any telegraph line in this State, or shall wilfully destroy, cut down or injure any post or other support of the wires, insulators or other fixtures necessary to the working of said telegraph lines, or shall cut, break or destroy the wires, or shall place any wires or other substance whatever in contact with or touching the wires or other fixtures of said telegraph lines, so as to impede or in otherwise interfere with the operations thereof, or shall take, carry away, injure or destroy any of the posts, wires, insulators or other fixtures or things belonging to such telegraph lines, during any temporary suspension of the operations thereof from accidental causes, such persons shall be liable to indictment, and on conviction may be fined not exceeding five hundred dollars or imprisonment not exceeding six months, or both, at the discretion of the Court, and shall, moreover, be liable to all damages suffered by reason thereof.

SEC. 2436.

If any superintendent, operator or person connected in any capacity whatever with any line of telegraph in this State, shall use, or cause to be used, or make known, or cause to be made known, the contents of any dispatch which may be sent or received over such telegraph line, without the consent or direction of the party sending or receiving the same, or shall fail to transmit all dispatches filed at the office of which he is the superintendent or operator, for transmission to any other point, without divulging or making public the contents or purport thereof, without like consent, aforesaid, such person, on conviction thereof, shall be liable to be fined

not exceeding five hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of the Court, but this article shall not apply to any dispatch of a public nature sent with a view to general publicity.

Any person who shall intentionally, or negligently, in any wise obstruct, injure, break or destroy, or in any manner interrupt any telegraph line in this State, or communication thereon between any two points by or through which the said line may pass, shall, on conviction thereof, be fined at the discretion of the Court, not more than one thousand dollars, or imprisoned not longer than twelve months, or by both such fine and imprisonment.

CODE OF MISSISSIPPI, 1871.

In suits against railroad and telegraph companies brought in any county other than that in which their office or principal place of business may be, the process may be served on any station agent, or sent to any county in which such office or principal place of business may be located, and there served, as herein directed and authorized.

HOW CORPORATIONS ARE FORMED.

Telegraph companies may be created in the mode hereinafter designated, and shall be as valid, in all respects, as if such incorporations had been directly and severally created by legislative enactment.

The persons desiring to form such corporations shall draw up, in writing, an agreement, or charter, which shall be headed as follows:

The Charter of Incorporation of (name of corporation). The charter shall contain, in clear and intelligible language, the following points: First—The purposes for which the corporation is formed. Second—

The names of the persons who are to be corporators. Third—The corporate name by which the association is to be known. Fourth—The powers intended to be exercised. Fifth—The period for which the corporation is to exist, if limited in point of time, and if not, a statement that there is no time fixed. Sixth—Anything else necessary to be stated, defining the respective rights and duties of the corporations.

SEC. 2399.

The charter, thus drawn, shall be signed by the corporators and acknowledged as conveyances of land are directed to be acknowledged.

SEC. 2400.

The charter shall then be submitted to the Governor of the State, who shall take the advice of the Attorney-General as to the constitutionality of the provisions thereof. If the Governor approve the charter he shall endorse his approval thereon under his hand and the great seal of the State, but the Governor may, in his discretion, require amendments or alterations to be made to the charter before approving it, or he may refuse to approve it, in which event the corporation shall not be formed.

SEC. 2401.

When the charter is thus drawn and approved, it shall be recorded in the office of the Secretary of State, and in the office of the Clerk of the Chancery Court of the county in which the corporators may propose to carry on business, or conduct the society affairs, and the original charter shall be returned to the corporators.

SEC. 2402.

When the corporate act has been approved and recorded as herein required, it shall be considered that the corporation is established, and they may commence the corporate business or proceedings, according to the terms fixed by the charter.

SEC. 2403.

A certified copy of such charter from either office where the record is made shall be admissible as evidence in all the Courts of this State.

SEC. 2404.

Charters for telegraph companies shall state the *termini* of the proposed line, and describe the general route to be pursued, and they shall have no power to build any other line under that charter.

When corporations formed under this charter shall SEC. 2405.
 expire by limitation, or otherwise, they may be renewed
 by observing all the requirements hereinbefore stated.

Suits shall be instituted against corporations in SEC. 2410.
 county where their place of business may be, except
 that railroad and telegraph companies may be sued in
 any county where they may commit any injury.

TELEGRAPH LAWS OF MISSOURI.

State of Missouri, ss. :

I, MICHAEL K. McGRATH, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of sections 93 to 119 inclusive, of an act of the General Assembly of the State of Missouri, entitled, An Act to revise and amend chapters 63, 64, 65 and 66 of the General Statutes of the State of Missouri, concerning corporations. Approved May 31st, 1879, as appears by comparing the same with the original roll of said act, now on file as the law directs in this office.

In witness whereof, I have hereunto set my hand and affixed the seal of office of the Secretary of State. Done at the City of Jefferson, this thirtieth day of June, A. D. eighteen hundred and seventy-nine.

[L. S.]

MICHAEL K. McGRATH,
Secretary of State.

An Act to revise and amend Chapters 63, 64, 65 and 66 of the General Statutes of the State of Missouri, concerning Corporations.

Be it enacted by the General Assembly of the State of Missouri as follows :

**TELEGRAPH AND TELEPHONE COMPANY
INCORPORATION.**

SEC. 93. Any number of persons, not less than five, being subscribers to the stock of any contemplated telephone or magnetic telegraph company, may be formed into a corporation for the purpose of constructing, own-

ing, operating and maintaining lines of telephone or magnetic telegraph, upon complying with the following requirements: whenever stock to the amount of not less than twenty thousand dollars shall have been subscribed for the purpose of forming a telegraph company, or five thousand dollars for the purpose of forming a telephone company, the subscribers to such stock shall elect from among themselves such number of directors, not less than three nor more than thirteen, as they may determine, and shall severally subscribe articles of association, which shall set forth the name of the corporation, the amount of the capital stock of the company, the number of directors, the amount of each share of stock, the number and names of the subscribers to the stock of the company, and the number of shares of stock taken by each subscriber, the location of the principal office or place of business of the company, and the names of its authorized agents thereat, which shall be verified by the affidavit of at least three of the subscribers thereto, and shall pay into the State treasury fifty dollars for the first fifty thousand dollars or less of its capital stock, and the further sum of five dollars for every additional ten thousand dollars thereof.

ARTICLES OF ASSOCIATION.

SEC. 94. The articles of association shall be filed in the office of the Secretary of State, who shall record and carefully preserve the same in his office, and thereupon the subscribers and the persons who, from time to time, shall become stockholders in such company, and their successors, shall be a body politic and corporate, by the name stated in such articles of association, and shall have power to construct, own, operate and maintain lines of telephone and magnetic telegraph between such points as they may, from time to time, determine, and to make such reasonable charges for the use of the same as they may establish; and shall have power to lease or attach to their lines other telephone or telegraph lines by lease or pur-

chase; and meetings of the stockholders or of the directors of such corporation may be held for the transaction of business as well without as within this State. A copy of the articles of association, certified by the Secretary of State or his deputy, under the Seal of the State, shall be *prima facie* evidence of the incorporation of such company, and of the facts stated therein. Any such company through its board of directors, with the consent of the persons holding the larger amount in value of the stock, shall have power to reduce its capital stock to any amount not below the actual cost of construction, and in like manner and with like consent to increase the capital stock from time to time, as in their judgment may be necessary, not exceeding an amount which, when fully paid up, shall be required for the business of the company, which consent shall be obtained in the manner prescribed by law.

ELECTION OF DIRECTORS.

SEC. 95. There shall be an annual election of directors to serve for the ensuing year, notices of which, appointing a time and place, shall be given by the directors chosen as provided by law, for the first annual election, and thereafter by their successors in office, which notice shall be published not less than twenty days previous thereto in a newspaper published in the county where the principal office of the company shall be situated. The directors shall hold their offices for one year, and until their successors are duly elected and qualified. They shall elect one of their number to be president of the company, and may appoint such other officers and agents as may be prescribed by the articles of association or by-laws of the company.

SEC. 96. No person shall be chosen a director who is not a stockholder owning stock absolutely in his own right, and qualified to vote at the election at which he is chosen, and all elections for directors shall conform to the requirements of law governing private corporations.

POWERS OF DIRECTORS AND COMPANY.

SEC. 97. The board of directors may at any time meet for the transaction of business, upon a call of the president of the company.

SEC. 98. Companies organized under the provisions of this act, for the purpose of constructing and maintaining telephone or magnetic telegraph lines, are authorized to set their poles, piers, abutments, wires and other fixtures, along and across any of the public roads, streets and waters of this State, in such manner as not to incommode the public in the use of such roads, streets and waters.

SEC. 99. Such companies are also authorized to enter upon any land, whether owned by private persons in fee or in any less estate, or by any corporation, whether acquired by purchase or by virtue of any provision in the charter of such corporation, for the purpose of making preliminary surveys and examinations, with a view to the erection of any telephone or telegraph lines, and from time to time to appropriate so much of said lands as may be necessary to erect such poles, piers, abutments, wires and other necessary fixtures for a telephone or magnetic telegraph, and to make such changes of location of any part of said lines as may, from time to time, be deemed necessary, and shall have a right of access to construct said line, and when erected, from time to time, as may be required, to repair the same; and may proceed to obtain the right of way, and to condemn said lands in the manner provided by law.

SEC. 100. No company shall have power to contract with any owner of land for the right to erect or maintain a telephone or telegraph line over his lands, to the exclusion of the other companies organized under the provisions of this act.

SEC. 101. Any company incorporated as herein provided may contract, own, use and maintain, any line or lines of telephone or magnetic telegraph, whether wholly

within or wholly or partly beyond the limits of this State, and shall have power to lease or attach to the line or lines of such company, other telephone or telegraph lines, by lease or purchase, and may join with any other corporation or association in constructing, leasing, owning, using, or maintaining their line or lines, upon such terms as may be agreed upon between the directors or managers of the respective corporations, and may own and hold any interest in such line or lines, or become lessees thereof, on such terms as the respective corporations may agree.

DUTIES AND OBLIGATIONS OF COMPANIES.

SEC. 102.—It shall be the duty of every telephone or telegraph company, incorporated or unincorporated, operating any telephone or telegraphic line, in this State, to receive despatches from and for other telephone or telegraph lines, and from or for any individuals, and, on payment or tender of their usual charges for transmitting despatches, as established by the rules and regulations of such telephone or telegraph line, to transmit the same with impartiality and good faith, under a penalty of one hundred dollars for every neglect or refusal so to do, to be recovered, with costs of suit, by civil action, for the benefit of the person or persons or company sending or desiring to send such despatch.

SEC. 103.—Where the person sending the despatch desires to have it forwarded over the lines of other telephone or telegraph companies, whose termini are respectively within the limits of the usual delivery of such companies, to the place of final destination, and shall tender to the first company the amount of the usual charges for the despatch to the place of final delivery, it shall be the duty of the company to receive the same, and without delaying the despatch, to pay to the succeeding line the necessary charges on the remaining distance; and it shall be the duty of the succeeding line or lines to accept the same, and forward the despatch in

the same manner as if the person sending the same had applied to the agent or operator of such line or lines in person, and paid to him the usual charges; and for omitting so to do the company or companies owning or operating such line or lines shall severally be liable to the penalty prescribed in the 102d section of this act.

DUTIES OF EMPLOYEES.

SEC. 104.—In all cases where application is made to any telephone or telegraph company, or the operator, agent, clerk or servant thereof, to send a despatch, it shall be the duty of such operator, agent, clerk or servant who may receive despatches at that station, plainly to inform the applicant, and, if required by him, to write upon the despatch that the line is not in working order, or that the despatches already on hand for transmission will occupy the time, so that the despatch offered cannot be transmitted within the time required, if the facts be so; and for omitting so to do, or for intentionally giving false information to the applicant in relation to the time within which the despatch offered may be sent, such operator, agent, clerk or servant, and the company by which he is employed, shall incur a like penalty as in the 102d section of this act is prescribed.

SEC. 105.—If any officer, manager, agent or operator of any telephone or telegraph line operating in this State, or any other person, shall knowingly transmit by such telephone or telegraph line any false communication or intelligence with intent to injure any one, or to speculate in any article of merchandise, commerce or trade, or with intent that another may do so, or shall knowingly send or deliver any despatch that is forged or not authorized by the person whose name purports to be signed thereto, shall on conviction thereof, in the Court having criminal jurisdiction in the proper county, be liable to the same penalty as is provided in the 102d section of this act.

LIABILITIES AND RESTRICTIONS.

SEC. 106.—Every telephone or telegraph company now organized, or which may hereafter be organized, under the laws of this State, shall be liable for special damages occasioned by the failure or negligence of their operators or servants in receiving, copying, transmitting or delivering despatches; and for the disclosure of any of the contents of any private despatches to any person other than to him to whom it was addressed, or to his agent, they shall be liable to the sender of the despatch and to the person to whom it was addressed, in the sum of fifty dollars to each, recoverable by an action before a justice of the peace, and for all special damages in addition thereto.

SEC. 107.—The Mayor and Aldermen, or Board of Common Council of any city, and the trustees of any incorporated town through which the lines of any telephone or telegraph company are to pass, may, by ordinance or otherwise, specify where the posts, piers or abutments shall be located, the kind of posts that shall be used, the height at which the wires shall be run; and such company shall be governed by the regulations thus prescribed; and after the erection of said telephone or telegraph lines, the said Mayor and Aldermen, or Board of Common Council, and the trustees of any incorporated town, shall have power to direct any alteration in the location or erection of said posts, piers or abutments, and also in the height at which the wires shall run, having first given such company or its agents opportunity to be heard in regard to such alteration.

DESTRUCTION OF PROPERTY—MISDEMEANOR.

SEC. 108.—Any person who shall unlawfully and intentionally injure, molest or destroy any of the lines, posts, piers, abutments or other material or property pertaining to any line of telephone or magnetic telegraph erected in this State, shall be deemed guilty of a

misdemeanor, and shall, upon conviction, be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or both, by such fine and imprisonment, at the discretion of the Court having cognizance thereof.

CONSOLIDATION.

SEC. 109.—Any telegraph company now organized, or which may hereafter be organized, under the laws of this State, may at any regular meeting of the stockholders thereof, by vote of persons holding a majority of the shares of the stock of such company, unite or consolidate with any other company or companies now organized, or which may hereafter be organized, under the laws of the United States, or of any State or Territory, by consent of the company with which it may consolidate or unite, and such consolidated company so formed may hold, use and enjoy all the rights and privileges conferred by the laws of Missouri on companies separately organized under the provisions of this act, and be subject to the same liabilities.

SEC. 110.—All corporations formed under this act shall possess all the powers and privileges granted to corporations by an act relating to the general powers of private corporations and be subject to all the provisions thereof, except as herein otherwise provided.

The appropriation and valuation of lands taken for Telegraph, Telephone, gravel and plank or Railroad purposes.

SEC. 111.—In case lands or other property are sought to be appropriated by any road, railroad, telephone, telegraph, or other corporation created under the laws of this State, for public use, and such corporation and the owners cannot agree upon the proper compensation to be paid, or in case the owner is incapable of contracting, be unknown, or be a non-resident of the State, such corporation may apply to the Circuit Court of the County where said land or any part thereof lies, or the Judge thereof in

vacation, by petition, setting forth the general directions in which it is desired to construct their road, railroad, telephone or telegraph line over such lands, a description of the real estate over other property which the company seeks to acquire, the names of the owners thereof, if known, or if unknown, a pertinent description of the property whose owners are unknown, and praying the appointment of three disinterested freeholders as commissioners, or by a jury to assess the damages which such owners may severally sustain in consequence of the establishment, erection and maintenance of such road, railroad, telephone or telegraph line over such lands, to which petition the owners of all such parcels as lie within the county or circuit shall be made parties defendant, by name if the names are known, and by the description of the unknown owners of the lands therein described, if their names are unknown. If the proceedings seek to affect the lands of persons under guardianship, the guardians must be made parties defendant; if the land of married women, their husbands must be made parties defendant. If the present owners of any lands to be affected, has a less estate than a fee, the person having the next vested estate in remainder may, at the option of the petitioners, be made party defendant; but if such remainder men are not made parties, their interest shall not be bound by the proceeding. It shall not be necessary to make any persons party defendant in respect to their ownership, unless they are either in actual possession of the premises to be affected, claiming title or have a title to the premises, appearing of record upon the proper records of the county.

PETITION, NOTICE, ETC.

SEC. 112.—Upon the filing of the petition, a summons shall be issued, giving such owner at least ten days' notice of the time when said petition will be heard, which summons shall be served by the sheriff of the county, in the same manner as writs of summons are or may be,

by law required to be served. If the name or residence of the owner be unknown, or if the owners, or any of them, do not reside within the State, notice of the time of hearing the petition, reciting the substance of the petition and the day fixed for the hearing thereof, shall be given by publication for three weeks consecutively, prior to the time of hearing the petition, in a newspaper published in the county in which the proceedings are pending, if one is published in the county, or if no newspaper is published in the county, or the publisher shall refuse to publish the same, on tender of his usual charges for advertising, then by posting up said notice for three consecutive weeks at the door of the Court House of the county wherein the lands or any portion of them lie.

APPOINTMENT OF COMMISSIONERS.

SEC. 113.—The Court, or Judge thereof, in vacation, on being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners, who shall be freeholders resident of the county in which the real estate or a part thereof is situated, to assess the damages which the owners may severally sustain by reason of such appropriation, who, after having viewed the property, shall forthwith return, under oath, such assessment of damages to the Clerk of such Court, setting forth the amount of damages; and should more than one owner be included in the petition, then the damages allowed each shall be stated separately, together with a specific description of the property for which such damages are assessed, and the clerk shall file said report, and record the same in the order book of the Court; and thereupon such company shall pay to the said clerk the amount thus assessed, for the party in whose favor such damages have been assessed; and on making such payment it shall be lawful for such company to hold the interest in the property so appropriated for the uses aforesaid; and upon failure to pay the assessment aforesaid, the Court may, upon motion and notice by the party entitled to

such damages, enforce the payment of the same by execution, unless the said company shall, within ten days from the return of such assessment, elect to abandon the proposed appropriation of any parcel of land by an instrument in writing to that effect, to be filed with the Clerk of said Court, and entered on the minutes of the Court, and as to so much as is thus abandoned the assessment of damages shall be void.

REPORT OF COMMISSIONERS.

SEC. 114.—Any number of owners, residents in the same county or circuit, may be joined in one petition, and the damages to each shall be separately assessed by the same commissioners.

SEC. 115.—Upon the filing of such report of said commissioners, the Clerk of the Court wherein the same is filed shall notify the party whose property is affected of the filing thereof; and the report of said commissioners may be reviewed by the Court in which the proceedings are had, on written exceptions filed by either party in the Clerk's office, within ten days after the service of the notice aforesaid; and the Court shall make such order therein as right and justice may require, and may order a new appraisement upon good cause shown. Such new appraisement shall, at the request of either party, be made by a jury, under the supervision of the Court, as in ordinary cases of inquiry of damages; but notwithstanding such exceptions, such company may proceed to erect said telephone or telegraph line, or construct said road or railroad; and any subsequent proceedings shall only affect the amount of compensation to be allowed. In all cases arising under the provisions of this act, the report of commissioners, when signed by a majority of them, shall be taken and considered as the report of all.

SEC. 116.—The cost of the proceeding to appropriate the right of way shall be paid by the company seeking the appropriation, up to and including the filing and

copying of the report of the commissioners; and the Court, as to any costs made by subsequent litigation, may make such order as in its discretion may be deemed just. The Court shall allow the commissioners a reasonable compensation for their services, which shall be taxed as costs in the proceeding.

RESTRICTIONS.

SEC. 117.—No telephone or telegraph company shall, by virtue of this act, be authorized to enter or appropriate any dwelling, barn, store, warehouse or similar building, erected for any agricultural, commercial or manufacturing purposes, or to erect poles so near thereto as materially to inconvenience the owner in their use or to occasion injury thereto.

SEC. 118.—In case the lands sought to be appropriated are held by any corporation, the right to appropriate the same by a railroad, telephone or telegraph company shall be limited to such use as shall not materially interfere with the uses to which, by law, the corporation holding the same are authorized to put said lines. Where no agreement can be made between the parties, the mode of assessing the damages provided heretofore as to private persons shall be adopted; and if the lands to be appropriated lie in more than one county, an application may be made in any one county in which any of the lands lie, and the damages shall be assessed as to all the lands of the defendant corporation along the whole line, in one proceeding.

SEC. 119.—In case lands sought to be appropriated by any railroad company in this State for depot purposes, belong to private persons, and such company and the owner cannot agree upon the compensation to be paid, or in case the owner is incapable of contracting, be unknown or non-resident of the State, such company may have such lands condemned in the manner that is provided in this act for assessing damages,

which the owners of lands may severally sustain in consequence of the erection, establishment and maintenance of railroads over such lands ; provided that in no case shall more than ten acres of land in the county or more than six blocks in a town, village or city, be condemned under this act, at any one place, or for any one depot; and provided, further, that any other railroad company shall have the right to use said depot grounds for depot purposes, with the necessary buildings, turnout, sidings, switches and other conveniences in furtherance of said purpose, and if the said two companies cannot agree upon the amount of compensation to be made therefor, or the points or manner of such use, the same shall be ascertained and determined by commissioners as provided by law for the condemnation of land for railroad purposes.

Approved May 31st, 1879.

MONTANA.

LA WS OF 1868-1869.

An Act providing for the collection of revenue.

The property of corporations or companies constructing ^{P. 46.}
 * * * * telegraph lines, and similar improvements shall ^{SEC. 9.}
 be assessed so each corporation or company and their
 interests are to be taxed in this Territory in the counties
 or localities in which such bridges * * * telegraph
 lines and similar improvements may be in, and to the
 extent of such improvements as may be found to be in
 the county or counties in which the same may be situ-
 ated, and to this end the assessor is directed to require
 the secretary or (to) clerk or whatever officer of corres-
 ponding duties there may be, to render under oath a list
 of the number of miles and value of such improvements
 as may be in each separate county through which the
 same may be constructed or in which the same may be
 situated.

Approved, Jan'y 15, 1869.

MONTANA.

LA WS OF 1870.

An Act Concerning Licenses.

Be it enacted by the Legislative Assembly of the Ter-
 ritory of Montana.

That any company having a line or lines of telegraph ^{SEC. 10.}
 in the Territory shall pay a license as follows : On every

business office kept in the city, town or village containing a population of three hundred persons and over shall pay a license of ten dollars per month; all other telegraph offices kept, or roads or stations where general business is transacted shall pay a license of five dollars per month, said license to be procured in the counties where the said offices are established.

Approved, Jan'y 6, 1870.

NEBRASKA.

CONSTITUTION OF THE STATE, NOV. 1st, 1875.

ARTICLE XI.

CORPORATIONS.

No railroad corporation or telegraph company shall consolidate its stock, property, franchises or earnings, in whole or in part, with any other railroad corporation or telegraph company owning a parallel or competing line; and in no case shall any consolidation take place, except upon public notice of at least sixty days, to all stockholders, in such manner as may be provided by law.

SEC. 8.
Consolidation
of stock.

The legislature shall pass laws to correct abuses and prevent unjust discrimination, and extortion on all charges of express, telegraph and railroad companies in this State, and enforce such laws by adequate penalties to the extent, if necessary, for that purpose, or forfeiture of their property and franchises.

SEC. 7.
Abuses to be
regulated by
law.

Compiled General Statutes, 1881.

NEBRASKA.

CHAPTER 77.

REVENUE.

ART. I.—GENERAL PROVISIONS.

The president, secretary, superintendent, or other principal accounting officers within the State of every

SEC. 39.
Railroad and
telegraph pro-
perty listing

telegraph company, whether incorporated by any law of this State or not, when any portion of the property of said railroad or telegraph company is situated in more than one county, shall list and return to the auditor of public accounts for assessment and taxation, verified by the oath or affirmation of the person so listing, all the following described property belonging to such corporation, on the first day of April in the year in which the assessment is made within the State, viz.: The number of miles of such railroad and telegraph line in each organized county in this State, and the total number of miles in the State, right of way; Provided, however, that all personal property outside of said right of way as aforesaid, of and belonging to any such telegraph company, shall be listed for purposes of taxation, by the principal officers or agents of such companies, with the precinct assessors of any precinct of the county where said real or personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property.

Sec. 40.
Assessment.

The return to the auditor of public accounts herein provided shall be made on or before the fifth day of April annually. If the return aforesaid be not received by said auditor by the tenth day of April, he shall thereupon proceed to obtain the facts and information aforesaid in any manner that may appear most likely to secure the same correctly, and for that purpose may address a written communication to the corporation, or to some officers of the corporation, who has failed to make the return aforesaid. As soon as practicable, after the auditor has received the said return, or procured the information required to be set forth in said return, a meeting of the State Board of Equalization, consisting of the Governor, State Treasurer and Auditor, shall be held at the office of said auditor, and the said board shall then value and assess the property of said corporation at its actual value for each mile of said line, the value of each mile to be determined by dividing the sum of the whole valuation

by the number of miles of such line. In making up such valuation or assessment, the said board shall examine and consider the return herein required to be made, or the information procured by the auditor, in default of such return, together with such other reliable information relative thereto as they may be able to procure; said board shall not assess the value of any real or personal property situated outside of the right of way of such company. On or before the fifteenth day of May, or so soon thereafter as the said board, or any two thereof, shall have made and determined said valuation and assessment, the auditor shall certify to the county clerks of the several counties in which the property of the aforesaid corporation, or any part thereof, may be situated, the assessment per mile so made on the property of said corporation, specifying the number of miles and amount in each of such counties. All such property shall, for the purpose of taxation, be deemed "personal property," and placed on the tax list as hereinafter provided.

If any person or corporation shall give a false or fraudulent list, schedule or statement, required by this act, or shall fail or refuse to deliver to the assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this act, he or it shall be liable to a penalty of not less than \$10, nor more than \$100, to be recovered in any proper form of action in the name of the State of Nebraska on the complaint of any person. Such fine, when collected, to be paid into the county treasury.

Whoever shall wilfully make a false list, schedule or statement, under oath, shall, in addition to the penalty provided in the preceding section, be liable as in the case of perjury.

SEC. 41.
Take schedule,
Penalty.

SEC. 42.
Same perjuring

NEBRASKA.

COMPILED GENERAL STATUTES.

CRIMINAL CODE.

CHAPTER XIII.

INJURY TO * * * TELEGRAPH PROPERTY.

SEC. 98.
Telegraph
wires or fix-
tures.

Every person who shall wilfully and maliciously injure, molest, or destroy any of the lines, wires, posts, piers or abutments, of any telegraph company, owner or association, used in or about the transmission of dispatches, or other communications, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years, in case the damage to such company, owner or association, from such injury be thirty-five dollars or upwards; but if such damage be less than thirty-five dollars, then the person so offending shall pay a fine of not less than ten dollars nor more than five hundred dollars.

NEBRASKA.

LAWS OF 1883.

CHAPTER LXXX.

An Act to Prohibit Extortion in the Transmission of Telegraph, also in the Compiled Statutes Despatches. (Appendix 1883, p. 896.)

SEC. 1.

Be it enacted by the Legislature of the State of Ne-

braska, That all associations, whether the same shall have been or may hereafter be organized or incorporated under the laws of this State or by and under the authority of any other State or Territory, or by the authority of the United States, whose object and purpose is the transmission, collection and distribution of despatches by telegraph shall be subject to the regulations and restrictions hereinafter prescribed by this act.

Who is subject to act.

Every telegraph company and every press association or corporation engaged in the transmission, collection, distribution or delivery of telegraphic despatches, either for private use or for publication in newspapers, shall, within thirty days after this act goes into effect, file in the office of the Secretary of State, a statement certified to under oath by its president and secretary, or two of its officers, embodying the following information, to wit: The name of the association, amount of capital invested, character of its business, together with a true copy of its articles of incorporation or articles of copartnership, with regulations and by-laws then in force.

Sec. 2
Certified statement to be filed in office of Secretary of State.

It shall be the duty of the Secretary of State to issue a certificate to every association or corporation that has filed the statement required by the second section of this act, upon payment of five dollars (\$5), which certificate shall convey authority to such association or corporation to conduct its business within this State under the restrictions and penalties imposed herein.

Sec. 3.
Issuance of certificate.

Every telegraph company, press association or corporation engaged in the transmission, collection and delivery of telegraphic despatches that shall refuse or fail to comply with the above provisions within the time herein prescribed, shall forfeit its right to carry on the collection, transmission and delivery of despatches for publication or for private use, and shall, furthermore, forfeit to the county where such business is carried on, for each and every day it so continues in violation of this act, the penal sum of one thousand dollars (\$1,000), to be recovered in any Court of common jurisdiction; and it shall be the duty of the District Attorney to prosecute

Sec. 4.
Penalty for refusing to comply with Law.

such violations of this act at the expense of the respective counties wherein said act is violated.

SEC. 5.
Issuance of
forwarding
despatches.

All telegraph companies and associations operating telegraph lines in this State shall transmit and forward all despatches directed to newspapers or private individuals or public officers with impartiality in the order in which they are received, and use due diligence in delivery without discrimination as to any person or party to whom they may be directed.

SEC. 6.
Delaying dis-
patches or di-
vulging con-
tents of it.

Every officer or employee of any telegraph company or association engaged in the transmission of despatches, who shall wilfully delay the transmission or delivery of any despatch, or divulge the contents of any despatch entrusted to his or her care to any person except the party entitled to receive the same, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense, or imprisonment of not less than thirty days nor more than three months in the county jail, at the discretion of the Court.

SEC. 7.
Uniform rates.

It shall be unlawful for any telegraph company, its agents or operators to demand charge, or receive from any individual, association or corporation, a greater sum for the transmission and delivery of any telegram or message over a given distance than it demands, charges or receives for the transmission and delivery of any telegram or message containing an equal number of words over a greater distance, providing that despatches transmitted during the night and despatches for publication in newspapers, may be forwarded and delivered at reduced rates; such rates must, however, be uniform to all patrons for the same service.

SEC. 8.
Newspapers
discrimina-
tions.

It shall be unlawful for any telegraph company, corporation, association, or organization engaged in the business of forwarding despatches by telegraph to demand, collect or receive from any publisher or proprietor of a newspaper any greater sum for a given service than it demands, charges or collects from the

publisher or proprietor of any other newspaper for a like service, and the violation of the provisions of sections seven and eight of this act by any telegraph company or association, shall constitute a misdemeanor, and upon conviction said telegraph company or association shall be fined for each and every offense in any sum not less than one hundred (\$100), nor more than one thousand (\$1,000), with costs of prosecution, and in addition thereto such telegraph company or association shall be liable for all damages sustained by the person or parties in consequence of such discrimination.

Every telegraph company and every press association engaged in the transmission, collection, distribution or publication of despatches shall afford the same and equal facilities to all publishers of newspapers, and furnish the despatches collected by them for publication in any given locality to all newspapers there published on the same conditions as to payment and delivery.

Sec. 9.
Uniformity
with news-
papers.

Any press association, corporation or organization violating the foregoing section shall be deemed guilty of a misdemeanor, and upon conviction shall, for each and every offense, be fined in any sum not less than one hundred (\$100), nor more than one thousand (\$1,000) dollars, and in addition thereto such association and the members thereof shall be jointly and severally liable for all damages sustained by the owner.

Sec. 10
Same penalty.

If any telegraph company, association or organization engaged in the transmission of telegraph despatches from any place in this State, or the person having the control or management thereof, refuse to receive despatches from any person, corporation, or any other telegraph company, or to transmit the same with fidelity and without unreasonable delay, it shall be guilty of a misdemeanor, and upon conviction shall be fined for each and every offense in the sum of not less than fifty (\$50), nor more than one hundred (\$100) dollars, and in addition be liable for damages to the person or corpora-

Sec. 11.
Penalty for re-
fusing to re-
ceive and
transmit.

tion sustaining a loss by reason of such refusal or failure to so transmit.

SEC. 12.
Non-delivery
and mistakes.

Any telegraph company engaged in the transmission of telegraphic despatches is hereby declared to be liable for the non-delivery of despatches entrusted to its care, and for all mistakes in transmitting messages made by any person in its employ, and for all damages resulting from a failure to perform any other duty required by law, and any such telegraph company shall not be exempt from any such liability by reason of any clause, condition or agreement contained in its printed blanks.

SEC. 14.
Lines out of
order, duty of
operator.

In all cases where application is made to any telegraph company, or the operator, agent, clerk, or servant thereof, to send a despatch, it shall be the duty of such operator, agent, or clerk, who may receive despatches at that station plainly to inform the applicant, and if required by him to write upon the despatch that the line is not in working order, or that the despatches already on hand for transmission will occupy the line, so that the despatch offered cannot be transmitted within the time required, if the facts be so; and for omitting so to do, or for intentionally giving false information to the applicant in relation to the time within which the despatch offered may be sent, such operator, agent or clerk, and the company by which he is employed, shall incur a like penalty as in section eleven of this act.

SEC. 14.
To take effect.

This act shall take effect from and after the first day of July, A. D. 1883.

Approved February 24th, 1883.

NEVADA.

LAWS OF 1864.

CHAPTER XXIII.

OF SECRECY AND FIDELITY IN THE TRANSMISSION OF
TELEGRAPH MESSAGES.

Penalty for divulging contents of messages, fine and SEC. 1.
imprisonment in the discretion of the Court.

Sending of false or forged messages, punishable by fine SEC. 2.
and imprisonment.

Use or appropriation of information by telegraph em- SEC. 3.
ployees, punishable by fine and imprisonment.

Neglect or refusal to send or deliver messages, a mis- SEC. 4.
demeanor.

To open a sealed message, under false representations SEC. 5.
as to personality, a misdemeanor.

Clandestinely obtaining messages from wires, and SEC. 6.
using or attempting to use such information, punish-
able.

Bribing of operators to disclose contents of messages, SEC. 7.
punishable by fine and imprisonment.

Malicious interference with, or destruction of tele- SEC. 8.
graph lines and apparatus, punishable.

Persons offending against provisions of sections one, SEC. 9.
two, four, six or seven, also liable for damages in civil
action.

Telegraph employees exempt from militia and jury SEC. 10.
duty.

Contracts by telegraph shall be deemed to be in writ- SEC. 11.
ing.

- SEC. 12. Notice by telegraph shall be deemed actual notice.
- SEC. 13. Powers of attorney and other instruments in writing may be sent by telegraph, may be admitted to record as originals.
- SEC. 14. Checks, due bills, promissory notes, orders or agreements for the payment or delivery of money or other thing of value, may be sent by telegraph.
- SEC. 15. Instruments in writing, duly certified by a Notary Public, Commissioner of Deeds or Clerk of a Court of Record, may be sent by telegraph and have the same force as originals.
- SEC. 16. Warrants of arrest may be served by telegraph.
- SEC. 17. Any writ or order in any civil suit may be transmitted by telegraph.
- SEC. 18. It shall not be necessary for operators to describe seals of documents transmitted.
- SEC. 19. Telegraph companies shall have the right to the use of distinctive trade marks.
- SEC. 20. All despatches to be sent in the order received, except official business and matters of public interest.

NEVADA.

LAW OF 1866.

CHAPTER CXX.

OF CONSTRUCTING AND MAINTAINING TELEGRAPH LINES.

- SEC. 1. Any person, persons, company or association may construct and maintain a line of telegraph.
- SEC. 2. Certificate containing full information as to organization and proposed construction to be filed with the Sec-

retary of State, and work of construction must be commenced within thirty days of such filing.

Public and private lands, streets, alleys, highways or streams may be properly used. SEC. 3.

Rates of charges to be posted in all offices, and it is a misdemeanor to overcharge. SEC. 4.

Telegraph companies shall be governed by the general laws of the State. SEC. 5.

When necessary private lands may be appropriated and compensation duly made. SEC. 6.

If owners of telegraph lines fail to keep them in good repair as practicable, such failure renders a forfeiture of franchises liable. SEC. 7.

TELEGRAPH

ciation may

to organiza-
with the Sec-

LAWS OF NEW HAMPSHIRE.

GENERAL LAWS OF 1878.

IN RELATION TO TELEGRAPH COMPANIES.

CHAPTER 62, P. 161.

SEC. 14.—Every Telegraph Corporation, Company, or person shall annually pay into the State treasury, for the use of the State, a tax of one per cent. upon the value of any telegraph line owned or incorporated by said Corporation, Company, or other person, including the office furniture or machinery, and said tax shall be paid on or before the first day of September.

LAWS OF NEW HAMPSHIRE OF 1879.

CHAPTER 40, P. 356.

SEC. 1.—Every Telegraph Company whose lines pass through any portion of this State on the line of any railroad shall keep and maintain an office for the receipt and transmission of messages over its wires for the accommodation of the public, in every town having a population of fifteen hundred or more, according to the latest census of the United States, through which such line passes; provided, there is a passenger station on said railroad in such town; provided, also, that the provisions of this Act shall not apply to the lines of the United States Direct Cable Company.

SEC. 2.—Every telegraph company neglecting or re-

fusing to comply with the provisions of section one of this Act, shall pay a fine of one hundred dollars for each and every month of such neglect or refusal in each and every such town in which the provisions of section one apply; one-half of such fine to go to the complainant and the balance to the County in which such town is situated.

SEC. 3.—The Attorney-General and County solicitors are hereby instructed to enforce the provisions of this Act in every case in which complaint is made.

LAWS OF NEW HAMPSHIRE, 1883.

CHAPTER 110.

AN ACT FOR THE TAXATION OF TELEPHONE COMPANIES.

Every telephone corporation, company, or person ^{SEC. 1.} doing business within this State shall pay an annual ^{Telephone} tax, as near as may be in proportion to the taxation of ^{companies to} other property throughout the State, on the value of any ^{be taxed.} telephone line or lines owned or worked by such corporation, company, or persons within this State, including all poles, wires, insulators, transmitters, telephones, batteries, instruments, telephonic apparatus, office furniture and fixtures.

The State Board of Equalization shall appraise the ^{SEC. 2.} said lines, apparatus, office furniture and machinery at ^{Appraisal and} their actual value, and assess such corporation, company or person on said valuation at the average rate of ^{assessment.} taxation of other property throughout the State. Such assessment shall be made and certified to the State Treasurer by the thirtieth day of September. The State Treasurer shall thereupon notify said parties against whom the tax is assessed, and the same shall be paid

into the treasury on or before the thirtieth day of October. If any tax so assessed is not paid by the said thirtieth day of October, the State Treasurer shall issue his extent for the same, and all property of the delinquent corporation, company, or person, on the first day of April preceding, shall be liable for its payment.

SEC. 3.
Takes effect
when.

This Act shall take effect from its passage.

[Approved September 15, 1883.]

LAWS OF NEW HAMPSHIRE. 1881.

CHAPTER 53.

SEC. 2.
Taxation of
telegraph.

Section fourteen of said chapter is hereby so amended as to require that every telegraph corporation, company or person shall pay an annual tax as near as may be in proportion to the taxation of other property throughout the State, upon the value of any telegraph line owned or operated by said corporation, company or person, including the office furniture and machinery. And section fifteen of said chapter is so amended as to require the State Board of Equalization to assess said telegraph property at the average rate of taxation of other property throughout the State.

SEC. 3.

Said assessment shall be made and certified to the State Treasurer by the thirtieth day of September, and the tax shall be paid on or before the thirtieth day of October. If any tax so assessed is not paid by said thirtieth day of October, the State Treasurer shall issue his extent for the same, and all property of the delinquent corporation, company or person, on the first day of April preceding shall be liable for its payment.

SEC. 4.
Repealing
clause—takes
effect when.

All provisions of law inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Approved August 9, 1881.

NEW HAMPSHIRE LAWS. 1881.

CHAPTER 54.

ERECTION OF TELEGRAPH LINES.

The proprietors of any telegraph line, or of any telephone exchange or line of telephones used for the transmission of spoken messages by means of the electric speaking telephone, or of lines for establishing electric lights in this State, may erect and maintain the necessary poles and structures, and stretch the necessary wires for the use of such telegraph line, or telephone exchange, or line of telephones, or line for electric lighting, over, across and along any public highway in this State, or may lay the same under the surface of any such highway.

Such telegraph, telephone or electric lighting poles, structures and wires shall be erected and maintained subject to the provisions of Chapter eighty of the General Laws of this State relating to telegraphs, which are hereby made applicable to lines of wire for telephonic and electric lighting purposes; and no poles, structures or wires are hereby authorized that shall in any way impede or obstruct the free and safe use of any highway for public travel, nor that shall interfere with or obstruct the safe, free and convenient use of, or access to or from, any lands or buildings adjoining or near such highway; and no such poles or other structures shall be erected or wires stretched by any of such proprietors, on, over or across the lands or buildings of any individuals or corporations without their consent; and no right shall be acquired by the use of wires stretched on, over, or across the lands or buildings of any such individual or corporation for any length of time.

Whenever any such proprietors shall desire to erect their poles or structures, or to stretch their wires, they

SEC. 1.
Telegraph, etc.
—poles may
be erected
and wires
stretched in
highways.

SEC. 2.
Not to impede
public travel
nor use pri-
vate property
without own-
er's consent,
nor acquire
prescriptive
right.

SEC. 3.
Municipal offi-
cers to locate

Lines and
grant licenses

may apply by petition to the mayor and aldermen of any city, or the selectmen of any town in which such poles or structures are to be erected or wires stretched, to locate the route of the lines for such telegraph, telephone or electric lighting, on, over and along the public highways in such town or city, and to grant license therefor upon such conditions as the public good may require.

SEC. 4.
Location of
poles and
wires.

The mayor and aldermen, or selectmen, shall have the power to grant such license, and may fix and limit the size and location of such poles and structures, their distances from each other, the height from the ground that such wires may be stretched, and the number of wires that may be so used, and the time for which the license shall continue in force, and may revoke the same whenever the public good shall so require, and from time to time, upon like application of such proprietors, or by any person whose rights and interests are affected, may alter and change the location of such poles or structures, and the height and size of the same, as well as the height and number of wires, or may revoke the said license if proper cause is shown; and all proceedings of the mayor and aldermen, or selectmen under this act, shall be subject to the supervision of the Supreme Court, on application of any person interested or aggrieved.

SEC. 5.
Not to be inter-
fered with
similar struc-
tures.

No such poles or structures shall be erected or wires stretched in any way so as to interfere with any other similar structure.

SEC. 6.
Damages—how
assessed.

If any person shall be aggrieved or damaged by the erection of such poles or structures, or by the stretching of such wires, or by the use made of the same, he may apply to the mayor or aldermen, or the selectmen, to assess the damages which he claims are occasioned thereby, who shall give notice to such proprietors and all others interested, and after hearing all parties, may award such damages as may be legally and justly due.

SEC. 7.
Party ag-
grieved may
apply to Su-
preme Court.

If said mayor and aldermen or selectmen shall neglect or refuse to make such award, or either party shall be dissatisfied therewith, or said proprietors shall neglect or refuse to pay the same within thirty days after such

award is made, either party may apply to the Supreme Court for relief, and like proceedings shall be had as in case of appeals from the laying out of highways and the assessment of damages therefor.

Proceedings, as provided by this act, may be taken on petition to the mayor, any aldermen or selectmen, in case any proprietors aforesaid shall desire to lay their wires under the surface of the highway, or in case any person interested or affected by such poles, structures, or wires, or the use made thereof, shall petition therefor.

SEC. 8.
Proceedings when wires are to be laid under or by the side of highway.

Similar proceedings may be had by any such proprietors for locating and licensing any such telegraph, telephone, or electric lighting lines already constructed, or for changing or altering the location of such lines as may have been heretofore erected.

SEC. 9.
Lines already constructed

Nothing herein contained shall exempt any such proprietors from liability for any unlawful entry, trespass, or damage already made or committed, nor from any liability or damage that may occur from want of care or from negligence in erecting or maintaining such poles, structures, or wires.

SEC. 10.
Proprietors liable for trespass.

Such proprietors of any telephone or telegraph lines shall open and maintain, at some convenient point or points, offices or places where any person desiring so to do may use such telephone or telegraph line for communication to all points reached by such line or its connection, on payment of a reasonable fee for such use; and if any such proprietors shall neglect or fail so to open and maintain such offices or places, any person aggrieved may apply to the Supreme Court by petition for redress, and the Court shall make such orders and issue such decrees as justice may require.

SEC. 11.
To keep lines open for the use of the public.

Such proprietors of any electric lighting apparatus or lines shall furnish the means of lighting by such electric light to all persons within reach thereof and applying therefor upon similar terms and conditions, without discrimination and at reasonable rates; any person aggrieved by the nature or failure to furnish such means at such rates may apply to the Supreme Court by peti-

SEC. 12.
To furnish means of lighting by electric lights

tion for redress, and the Court shall make such orders and decrees as justice may require.

SEC. 13.

Use of high-
ways a public
use.

The use of the highways of this State, by telegraph, by telephone, and electric lighting poles, structures and wires, under and in accordance with the provisions of this act, is hereby declared to be a public use of such highways.

SEC. 14.

Takes effect
when.

This act shall take effect upon its passage.

[Approved August 9, 1881.]

LAWS OF NEW JERSEY.

IN RELATION TO TELEGRAPH COMPANIES.

An Act to Incorporate and Regulate Telegraph Companies.

Revision Approved April 9, 1875.

1. Whenever any number of persons consisting of two or more shall have subscribed one-third of the capital stock necessary to be issued for the construction of any line of telegraph in this State, they shall upon depositing with the Secretary of State, a written or printed description of the line they propose building, and constructing, the localities it is intended to traverse, the capital of the company and its title or corporate name, and complying with the provisions of this act, thereby become a body politic and corporate, to sue and be sued, to purchase, hold, or convey any personal or real estate as may be necessary for the purposes of this act, with all the powers and subject to all the provisions of the act concerning corporations; *Provided however* the real estate owned at any one point shall not exceed one-fourth of an acre.

2. Whenever one-third or more of the capital stock necessary to build any proposed line shall have been fully subscribed, the parties making such subscription shall have the power and authority of letting the contract for building the line to such person or persons as they may select or choose, or proceed to build it themselves, and are also fully empowered as Commissioners to receive subscriptions to the capital stock, and give receipts for instalments paid on the same.

3. Whenever the original subscribers to one-third of

the amount of the capital stock shall call a meeting of the stockholders generally, by giving ten days' notice by publication in at least three newspapers published in the State, the stockholders when convened in accordance with said notice shall proceed to elect officers of their said company, consisting of a president, treasurer, secretary, and at least three directors, one-third of whom shall be citizens of this State, whose term of office shall continue one year, or until their successors are elected, the respective duties and powers of each of the said officers to be indicated, and determined by the by-laws and regulations of the company, *provided* that such by-laws and regulations do not conflict with this act, and are not repugnant to the constitution or laws of this State, or of the United States; and that at every election of officers, and at every special periodical or general meeting of the stockholders, each and every share of stock represented will entitle its representative to one vote, *provided however*, that no person shall be allowed to vote more than one-third of the votes present at such meeting.

4. No line of telegraph, or company organized and working under this act, shall be privileged to charge more than twenty-five cents for any message not exceeding ten words in length, and for messages exceeding ten words in length, twenty-five cents for the first ten words and ten cents for every ten words over the first ten, and at that rate for less than ten to any point in this State; *provided however*, said messages are intended to be transmitted over but one company's line.

5. Such companies shall pay one-half of one per centum upon the amount of their capital stock into the state treasury from the organization thereof respectively.

6. Any line of telegraph or company organized, or working by virtue of this act, shall establish, maintain and keep open at least one office every forty miles traversed by their line, and whenever any two or more persons shall by a proper observance of the conditions of this act thereby become a body corporate they shall have

the privilege of building and maintaining a line as described for the full term of twenty years, *provided however*, that within three years from the date of description filed with the Secretary of State, they shall have built and completed the same.

7. If any person or persons shall wilfully and unlawfully injure, destroy or obstruct the use of any telegraph line constructed by virtue of this act, such person or persons so offending shall for the first offence pay to said company the sum of one hundred dollars, to be recovered as debts of like amount are by law recoverable, and be liable for all damages, and shall for the second offence on conviction thereof be liable to imprisonment in the county jail, not to exceed one year.

8. Any telegraph company organized by virtue of this act shall have full power to use the public roads or highways in this State on the line of their route, for the purpose of erecting posts or poles on the same to sustain their wires, and other fixtures, upon first obtaining consent in writing of the owner of the soil, *provided however*, no posts or poles shall be erected in any street of any incorporated city or town, without first obtaining from the incorporated city or town a designation of the streets in which the same shall be placed and the manner of placing the same and that the same shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said roads and highways, and that the use of the public streets in any of the incorporated cities or towns of this State shall be subject to such regulations and restrictions as may be imposed by the corporate authorities of said cities or towns.

9. No subscribers to the capital stock of any company organized by virtue of this act shall in any event be responsible for any amount beyond their subscriptions.

10. The foregoing sections of this act shall not apply to any corporations existing or any line or lines in operation on the fifth day of March, one thousand eight hundred and fifty-three.

11. Any telegraph company chartered under the provisions of any act of this State may connect and consolidate with any other incorporated telegraph company, whether chartered by or existing under a law of this State or any other State, and may upon such consolidation by resolution of its board of directors change its name, which change of name shall take effect on filing a copy of such resolutions certified under its corporate seal in the office of the Secretary of State of this State, *provided* that neither such connection, consolidation or change of name shall affect the obligations or debts of said company or the process for their enforcement or lien upon its property.

12. It shall not be lawful for any person connected with any line of telegraph within this State whether as superintendent, operator or in any other capacity whatsoever, to use, or cause to be used, or make known, or cause to be made known the contents of any despatch of whatsoever nature which may be sent or received over any line of telegraph in this State without the consent or direction of either the party sending or receiving the same, and all despatches which may be filed at any office in this State for transmission to any point, shall be so transmitted without being made public, or their purport in any manner divulged at any intermediate point, on any pretence whatever, and in all respects the same inviolable secrecy, safe keeping and conveyance shall be maintained by the officers and agents employed on the several telegraph lines in this State, in relation to all despatches which may be sent or received as is now enjoined by the laws of the United States in reference to the ordinary mail service, *provided* that nothing in this act contained shall be so construed as to prevent the publication at any point of any despatch of a public nature which may be sent by any person, or persons, with a view to general publicity.

13. In case any person, superintendent, operator, or who may in any other capacity be connected with any telegraph line in this State, shall use or cause to be

used, or make known, or cause to be made known the contents of any despatch sent from or received at any office in this State, or in anywise unlawfully expose another's business or secrets, such person being duly convicted thereof shall for every such offence be subject to a fine of not less than one hundred dollars, or imprisonment not exceeding six months, or both, according to the circumstances of aggravation of the offence.

An Act in Relation to Operators and others in the Employment of Telegraph Companies in this State.

Approved February 27, 1862.

14. SEC. 1. That the operators and assistant operators, superintendents, managers, line men, and those directly engaged in the business of receiving and forwarding messages by telegraph, shall be exempt from militia duties, and serving on juries, and from any fine or penalty for neglect thereof.

An Act for the Punishment of Crimes.

Revision approved March 27th, 1874.

15. Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure or remove any battery, machinery, wire, cable, post, or other matter, or thing, whatsoever, being part of or being used, or employed in or about any electric or magnetic telegraph, or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any manner, whatsoever, the sending, conveyance, or delivery of any communication by such telegraph, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable, at the discretion of the Court, to be imprisoned at hard labor for any term not exceeding two years, or fined not exceeding two hundred dollars, or both.

NEW JERSEY.**SUPPLEMENTAL ACT.**

A supplement to an Act entitled, "An Act to Incorporate and Regulate Telegraph Companies," approved April 9, 1875.

Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever any telegraph or telephone company, organized by virtue of the act to which this is a supplement, or by virtue of any special act, shall apply to the common council or other legislative body of any incorporated city or town through which it is intended to construct their telegraph line, for a designation of the streets in which the posts or poles of such company may be erected, it shall be the duty of such common council or legislative body to give to such company a writing designating the streets in which the posts or poles shall be placed, and the manner of placing the same, subject in other respects to the provisions of the act to which this is a supplement.

And be it enacted, That in case of the refusal of any of the owners of the soil on the line of the route to permit the use of any road or highway for the purpose of erecting posts or poles on the same to sustain the wires and other fixtures, in case where consent is necessary to be obtained, it shall be lawful for such company to present a petition to the Circuit Court of the county in which said road or highways are situate, or to the Judge thereof in vacation, setting forth the privilege or right of way, the names of the owners of the soil, if known, and if not known or non-resident of the State, that fact shall be stated, and the names of any number of owners, or any number of descriptions of the premises desired may be mentioned in one petition, whereupon the said Court shall fix the time and place for the hearing of the matter contained in said petition, and direct notice thereof to be

served on the person or persons or corporations interested, at least six days prior to said hearing, such service to be made in the same manner as writs of summons issued out of said Court are served, or if the owner be unknown or not resident in the State such notice shall be published in a newspaper in said county for the like period or for such longer period as the Court may direct, and in case the post-office address of such non-resident owner can be ascertained, a copy of such notice shall be mailed to him or her, "postage prepaid," under the direction of said Court. At the time mentioned for said hearing the said Court, unless good cause to the contrary appear, shall appoint three disinterested freeholders, resident of said county, commissioners to assess and appraise the damages which such owner or owners may sustain by reason of the erection and establishment of such telegraph lines. Before entering upon the service said commissioners shall severally be sworn faithfully and impartially to perform the duties required of them, and shall, on view, make a just appraisal in writing of the damages (if any) sustained by such owner or owners, and file a report thereof in the office of the Clerk of said Court. If any damages are assessed the company shall pay or tender the amount of the same to the party to whom the award is made; if such owner be unknown or cannot be found, they shall pay the same into the said Court.

And thereupon, or if no damages are found to be sustained, the said company shall have full power to use such road or highway on the line of their route for the purpose of erecting posts or poles on the same to sustain their wire and other fixtures. Said commissioners shall each receive three dollars for each day's service performed by them, to be paid by said company.

And any party aggrieved by the assessment of damages may have the matter determined by a jury, provided an appeal be made to the said Court within thirty days from the time of filing the report by the said commissioners; and said Court shall thereupon order a trial by jury, to be conducted as any other case of similar trial.

If the jury increase the damages, the same and all costs and charges shall be paid by the company, otherwise the costs and charges to be paid by the owner or party interested, and judgment may be entered upon verdict of said jury, and execution issued thereon as in other cases, unless said company shall, within ten days after said verdict is rendered, elect to abandon their proposed route or appropriation of said road or highway by an instrument in writing to that effect, to be filed with the Clerk of the said Court and entered on the minutes thereof; and to so much as is thus abandoned the assessment of damages shall be void.

Provided, That upon such abandonment the costs of all proceedings to be taxed by the said Court shall be paid by the company to the opposite party.

And be it enacted, That this act shall take effect immediately; and provided also that all the provisions of this section shall apply to any telegraph telephone company specially incorporated.

NEW JERSEY.

L A W S O F 1880.

CHAPTER CLI.

A Supplement to an Act entitled, "An Act to incorporate and regulate Telegraph Companies, approved April ninth, one thousand eight hundred and seventy-five."

SEC. 1.

On application
Common
Council to de-
signate in
writing the
streets in

Be it enacted by the Senate and General Assembly of the State of New Jersey, that whenever any telegraph or telephone company organized by virtue of the act to which this is a supplement, or by virtue of any special act, shall apply to the Common Council or other legis-

lative body of any incorporated city or town through which it is intended to construct their telegraph line, for a designation of the streets in which the posts or poles of such company may be erected, it shall be the duty of such Common Council or legislative body, to give to such company a writing designating the streets on which the posts or poles shall be placed, and the manner of placing the same, subject in other respects to the provisions of the act to which this is a supplement.

which posts or poles shall be placed and manner of placing the same.

And be it enacted: That in case of the refusal of any SEC. 2. of the owners of the soil on the line of the route, to permit the use of any road or highway for the purpose of erecting posts or poles on the same to sustain the wires or other fixtures, in case where consent is necessary to be obtained, it shall be lawful for such company to present a petition to the Circuit Court of the county in which said road or highways are situate, or to the Judge thereof in vacation, setting forth the privilege or right of way, the names of the owners of the soil, if known, and if not known or non-resident of the State, that fact shall be stated, and the names of any numbers of owners or any number of descriptions of the premises desired, may be mentioned in one petition, whereupon the said Court shall fix the time and place for hearing of the matter contained in said petition, and direct notice thereof to be served on the person or persons or corporations interested at least six days prior to said hearing, such service to be made in the same manner as writs of summons issued out of said Court are served, or if the owner be unknown or non-resident in this State, such notice shall be published in a newspaper in said county for the like period or for a longer period as the Court may direct, and in case the post office address of such non-resident owner can be ascertained, a copy of such notice shall be mailed to him or her (postage prepaid) under the direction of said Court; at the time mentioned for said hearing, the said Court (unless good cause to the contrary appears) shall appoint three disinterested freeholders, residents of

On refusal of owner of soil to permit the use thereof the company may present petition to Circuit Court

said county, commissioners to assess and appraise the damages which such owner or owners may sustain by reason of the erection and establishment of such telegraph line ; before entering upon the service, said commissioners shall severally be sworn faithfully and impartially, to perform the duties required of them, and shall on view, make a just appraisal in writing of the damages, if any, sustained by such owner or owners, and file a report thereof in the office of the Clerk of said Court ; if any damages are assessed, the said company shall pay or tender the amount of the same to the party to whom the award is made ; if such owner be unknown or cannot be found, they shall pay the same into the said Court, and thereupon, or if no damages are found to be sustained, the said company shall have full power to use such road or highway on the line of their route, for the purpose of erecting posts or poles on the same to sustain their wires and other fixtures ; said commissioners shall each receive three dollars for each day's service performed by them, to be paid by said company ; and any party aggrieved by the assessment of damages, may have the matter determined by a jury, provided an appeal be made to the said Court within thirty days from the time of filing the report by the said commissioners, and said Court shall thereupon order a trial by jury, to be conducted as any other case of similar trial ; if the jury increase the damages, the same, and all costs and charges shall be paid by the company, otherwise the costs and charges to be paid by the owner or party interested ; and judgment may be entered upon the verdict of said jury and execution issued thereon, as in other cases, unless said company shall within ten days after said verdict is rendered, elect to abandon their proposed route or appropriation of said road or highway, by an instrument in writing to that effect, to be filed with the Clerk of the said Court and entered on the minutes thereof, and as to so much as is thus abandoned, the assessment of damages shall be void ; provided that upon such abandonment, the costs

of all proceedings to be taxed by the said Court, shall be paid by the company to the opposite party; and provided also, that all the provisions of this section shall apply to any telegraph company specially incorporated.

3. And be it enacted, That this act shall take effect immediately.

Approved March 11, 1880.

NEW JERSEY.

LAW S OF 1881.

CHAPTER XXV.

An Act to authorize railroad corporations to construct, acquire, maintain and operate lines of telegraph for commercial and public uses.

Be it enacted by the Senate and General Assembly of the State of New Jersey; That it shall be lawful for every railroad corporation of this State, organized by virtue of any special act of incorporation, or otherwise, and for every railroad corporation organized under the laws of any other State, but leasing or operating a railroad or canal in this State, and such corporations are hereby authorized and empowered to erect, establish, and maintain a line or lines of telegraph for public use, over, along, and upon the lands and rights-of-way of such railroad and canal corporations, of which such railroad corporation may be the lessee or operator; and over, along, and upon the lands and rights-of-way of any other railroad corporation, with the consent and not otherwise of such other railroad corporation, and to erect, establish and maintain extensions of such tele-

SEC. 1.
Railroad corporations empowered to construct, maintain and operate lines of telegraph over and upon their lands

Proviso.

graph line or lines in any direction from such primary or main line, for such distance as may be necessary to reach business centres over, along, and upon the public roads and highways of this State or otherwise; provided that the use of public streets in any incorporated city of this State, for the erection of such extensions of said telegraph line, shall be subject to such reasonable regulations as may be imposed by the corporate authorities of said cities.

SEC. 2.

Office to be established and maintained for transmission of messages.

And be it enacted, That it shall be the duty of every railroad corporation availing itself of this act, to establish, maintain and keep open for the reception and transmission of messages by its telegraph lines, at least one office in every twenty-five miles traversed by its said line of telegraph; and it shall be the duty of said railroad corporation, to receive and transmit all messages tendered for transmission, upon being paid such charges as by law the said corporation may charge for such service.

SEC. 3.

Authorized to charge and receive and collect for transmission of messages.

And be it enacted, That any railroad corporation availing itself of this act, shall be and hereby is authorized to charge, receive, and to collect before transmission for each message of not more than ten words, twenty-five cents; and for each additional word, one cent;

Proviso.

provided, however, that said messages are intended to be transmitted only over the telegraph lines of the company to whom such messages are tendered.

SEC. 4.

Railroad corporations may make and enter into arrangements with other railroad or telegraph companies, etc.

And be it enacted, That it shall be lawful for any railroad corporation availing itself of this act, and it is hereby authorized and empowered to enter into, make, and perfect such business arrangements with any other railroad or telegraph corporation of this or of any State, as shall be mutually agreed upon by said corporations, for the reception and transmission of messages over the telegraph lines of said railroad and telegraph corporations; and for all messages to be transmitted over the telegraph lines of other corporations, every railroad corporation availing itself of this act, to whom such messages shall be tendered, may charge, receive and

collect reasonable and customary rates for such transmission.

And be it enacted, That this act shall take effect immediately, and all acts and parts of acts inconsistent therewith, are hereby repealed. Sec. 5. Repeals.

Approved February 17, 1881.

NEW JERSEY.

LAWS OF 1882.

CHAPTER CLXXII.

A further supplement to an act entitled "An Act to incorporate and regulate telegraph companies," approved April 19th, one thousand eight hundred and seventy-five.

2. Be it enacted by the Senate and General Assembly of the State of New Jersey, That any telegraph company incorporated under the act to which this is a supplement, desiring to construct its lines by means of underground cables containing the wires, instead of poles and posts sustaining the wires, shall be subject to all restrictions and provisions concerning the use of roads, highways and streets as are provided in the act in which this is a supplement, and any supplement thereto.

SEC. 1.
Telegraph companies may construct lines by underground cables subject to restrictions and provisions of act.

And be it enacted, That this act shall take effect immediately.

Approved March 31, '82.

LAWS OF NEW YORK
RELATING TO TELEGRAPH COMPANIES.

LAWS 1848.

CHAP. 265.

An Act to provide for the Incorporation and Regulation of Telegraph Companies. Passed April 12th, 1848.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Any number of persons may associate for the purpose of constructing a line of wires of telegraph through this State, or from and to any point within this State, upon such terms and conditions, and subject to the liabilities prescribed in this Act.

§ 2. Such persons, under their hands and seal, shall make a certificate which shall specify:

1. The name assumed to distinguish such association and to be used in its dealings, and by which it may sue and be sued.

2. The general route of the line of telegraph, designating the points to be connected.

3. The capital stock of such association, and the number of shares into which the stock shall be divided.

4. The names and places of residence of the shareholders, and the number of shares held by each of them respectively.

5. The period at which such association shall commence and terminate; which certificate shall be proved or acknowledged, and recorded in the office of the Clerk of the county, where any office of such association shall

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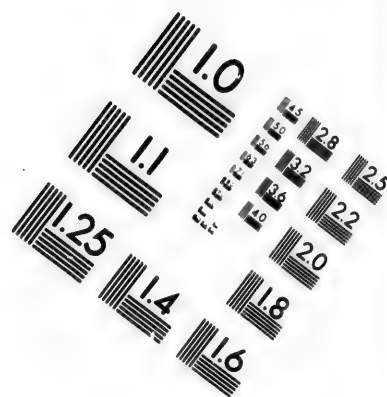
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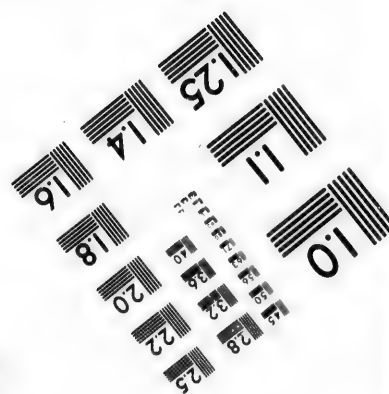
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be established, and a copy thereof filed in the office of the Secretary of the State. Such acknowledgment may be taken by any officer authorized to take the acknowledgment of deeds of real estate, at the place where such acknowledgment is taken.

§ 3. Upon complying with the provisions of the last preceding Section, such association shall be, and hereby is declared to be a body corporate by the name so as aforesaid to be designated in said certificate, and a copy of said certificate duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all courts and places for and against any such association.

§ 4. Such association shall have power to purchase, receive, and hold, and convey such real estate, and such only as may be necessary for the convenient transaction of the business and for effectually carrying on the operations of such association, and may appoint such directors, officers and agents, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States.

§ 5. Such association is authorized to construct lines of telegraph along and upon any of the public roads and highways, or across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines, provided the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters, nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this State.

§ 6. If any person, over whose land said line shall pass, upon which said posts, piers or abutments shall be placed, shall consider himself aggrieved or damaged thereby, it shall be the duty of the County Court of the county within which said lands are, on the application of

such person, and on notice to said association (to be served on the president or any director), to appoint five discreet and disinterested persons as commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damage sustained by said applicant by reason of said lines, posts, piers or abutments; duplicate of which said appraisement shall be reduced to writing and signed by said commissioners, or a majority of them. One copy shall be delivered to the applicant, and the other to the president, or any director, or officer of said association or corporation on demand; and in case any damage shall be adjudged to said applicant, the association or corporation shall pay the amount thereof with cost of said appraisal, said cost to be liquidated and ascertained in said award, and said commissioners shall receive for their services two dollars for each day they are actually employed in making said appraisement.

§ 7. Any person who shall unlawfully and intentionally injure, molest, or destroy any of said lines, posts, piers, or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the Court before which the conviction shall be had.

§ 8. It shall be lawful for any association of persons, organized under this act, by their articles of association, to provide for an increase of their capital and of the number of the association.

§ 9. Any association or company now organized and using Morse's telegraph, may organize as a corporation under this Act, on filing in the office of the Secretary of State, a resolution of its board of directors, signed and

certified by the officers of the company, of its desire so to organize, and upon publishing notices to this effect in some one newspaper in the City of New York, and the City of Buffalo, and the City of Albany, three months previous to such organization, provided that two-fifths of the owners of the stock of said company or association do not dissent therefrom; provided that any stock or shareholder in any such association or company may, on giving thirty days' notice to the officers, or any of them, of such association and company, at any time before such organization, refuse to go into such organization, and thereupon such stock or shareholder shall be entitled to receive from such association or company the full value of his shares or stock in such association or company.

§ 10. The stockholders of every association organized in pursuance of this Act shall be jointly and severally personally liable for the payment of all debts and demands against such association which shall be contracted or which shall be, or shall become due during the time of their holding such stock, but such liability of any stockholder shall not exceed twenty-five per cent. in amount the amount of stock held by him, and no stockholder shall be proceeded against for the collection of any debt or demand against such association until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall be dissolved.

§ 11. It shall be the duty of the owner, or the association owning any telegraph line doing business within this State, to receive despatches from and for other telegraph lines and associations, and from and for any individual, and on payment of their usual charges for individuals for transmitting despatches as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered with costs of suit, in the name and for the

benefit of the person or persons sending or desiring to send such despatch, provided that nothing contained in this section shall be construed to require any telegraph company or association to receive and transmit despatches from or for any other company or association, owning a line of telegraph parallel with or doing business in competition with the line over which the despatch is required to be sent.

(Thus amended by Laws of 1855, Ch. 559.)

§ 12. It shall likewise be the duty of every such owner or association to transmit all despatches in the order in which they are received, under the like penalty of one hundred dollars, to be recovered with cost of suit by the person or persons whose despatch is postponed out of its order, as herein prescribed, provided, however, that arrangements may be made with the proprietors or publishers of newspapers for transmission for the purpose of publication of intelligence of general and public interest out of its regular order.

NEW YORK.

L A W S O F 1850.

CHAP. 340.

An Act to amend the Act, entitled, "An Act to Provide for the Incorporation and Regulation of Telegraph Companies, passed April 12th, 1848."
Passed April 10th, 1850.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Any person connected with any telegraph com-

pany in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents, or the nature of the contents, of any private communication intrusted to him for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before the court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail or workhouse in the county where such conviction shall be had, for a term not more than three months, or shall pay a fine not to exceed five hundred dollars, in the discretion of the court.

NEW YORK.

LAWS 1851.

CHAP. 98.

An Act to amend an Act, entitled, "An Act to Provide for the Incorporation and Regulation of Telegraph Companies, passed April 12th, 1848."
Passed April 8th, 1851.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The directors or trustees of any telegraph company formed or incorporated under the act entitled, "An Act to provide for the incorporation and regulation of telegraph companies, passed April twelfth, one thousand eight hundred and forty-eight," may at any time, with the written consent of the persons owning two-thirds of the capital stock of such company, extend their line of telegraph, or may construct branch lines to connect with their main line, or may unite with any other incorporated telegraph company.

NEW YORK.

L A W S 1853.

CHAP. 471.

An Act to amend an Act, entitled, "An Act to Provide for the Incorporation and Regulation of Telegraph Companies, passed April 12th, 1848."
Passed June 29th, 1853.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. Any number of persons may associate for the purpose of owning or constructing, using and maintaining a line or lines of electric telegraph, whether wholly within or partly beyond the limits of this State ; or for the purpose of owning any interest in any such line or lines of electric telegraph or any grants therefor, upon such terms and conditions, and subject to the liabilities prescribed in the Act passed April 12th, 1848, entitled : "An Act to provide for the incorporation and regulation of telegraph companies." And such association shall, upon complying with the provisions of the said Act, become a body corporate, and shall have the powers and be subject to the provisions in the said Act, and in the several Acts amending the same contained, and not inconsistent herewith. And any telegraph company now owning or using any telegraph line, either wholly or partly within this State, may become a body corporate, and entitled to the benefit of the provisions herein contained, on filing in the office of the Secretary of State a certificate of a resolution adopted by a majority of its board of directors to organize under this Act, which said certificate shall contain the specifications required by the said recited Act, and shall be proved or acknowledged, and recorded in the manner therein prescribed.

§ 2. Such association is authorized to erect and construct, from time to time, the necessary fixtures for such lines of telegraph upon, over, or under any of the public roads, streets and highways, and through, across, or under any of the waters within the limits of this State, subject to the restrictions in the said recited Act contained, and also to erect and construct such fixtures upon, through or over any other land subject to the right of the owner or owners thereof to full compensation for the same; and if any such association cannot agree with the owner or owners of any land taken or used by such association for the compensation to be paid therefor, it shall and may be lawful for such association or such owner or owners to apply to the county court of the county in which such lands are, by petition, stating the facts in relation thereto, and after the expiration of twenty-one days from the filing of such petition, and notice thereof given to such association, or to the owner or owners of such land, as the case may be, it shall be the duty of the said court to appoint five disinterested persons to make a just and equitable assessment and appraisal, in the manner directed by the said recited Act, of the loss or damage, if any, which may have been or is likely to be sustained by the owner or owners of such lands taken or used as aforesaid, whilst such land shall have been or shall continue to be used as aforesaid. And such assessment and appraisal shall determine the annual rent or compensation to be paid by such association for such use, or in lieu thereof a sum in gross, as the compensation for allowing the fixtures belonging to such association permanently to continue, and the same to be repaired, improved and renewed or removed, from time to time, as such association may require.

§ 3. Every such company owning or using a line of electric telegraph, partly within and partly beyond the limits of this State, shall render to the proper officer a true report of the cost to such company of their works within this State, and the stock of such company in

amount equal to such cost or the dividends thereof shall be subject to taxation in the same manner and at the same rate as the stock or dividends of other companies incorporated by the laws of this State are subject.

§ 4. The liability of any share or stockholder in any company organized under this Act, as provided for in the Act of which this is an amendment, shall only apply to the amount due by any such share or stockholder in such company and unpaid on or for any such share or stock.

NEW YORK.

L A W S O F 1855.

CHAP. 559.

An Act to amend an Act passed April twelfth, eighteen hundred and forty-eight, to provide for the Incorporation and Regulation of Telegraph Companies.
Passed April 19th, 1855.

The People of the State of New York represented in Senate and Assembly, do enact as follows :

SEC. 1.—The eleventh section of the act passed April twelfth, eighteen hundred and forty-eight, to provide for the regulation and incorporation of telegraph companies, is amended so as to read as follows :

§ 11. It shall be the duty of the owner or the association owning any telegraph line doing business within this State, to receive despatches from and for other telegraph lines and associations and from and for any individual ; and on payment of their usual charges for individuals for

transmitting despatches, as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered with costs of suit in the name and for the benefit of the person or persons sending or desiring to send such despatch, provided that nothing contained in this section shall be construed to require any telegraph company or association to receive and transmit despatches from and for any other company or association owning a line of telegraph parallel with or doing business in competition with the line over which the despatch is required to be sent.

§ 2.—This act shall take effect immediately.

NEW YORK.

LAWS OF 1861.

CHAP. 215.

An Act in relation to operators and others in the employ of Telegraph Companies in this State.

Passed April 13th, 1861, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1.—That the operators, assistant operators, clerks, and other persons in the employ of the different telegraph companies in the State of New York, and while doing duty in the offices of said companies, or along the routes of their telegraph lines, shall be exempt from militia duties and serving on juries and from any fine or penalty for neglect thereof.

NEW YORK.

LAWS OF 1862.

CHAP. 425.

As Act further to amend the Act entitled "An Act to provide for the Incorporation and Regulation of Telegraph Companies," passed April twelfth, eighteen hundred and forty-eight.

Passed April 22, 1862, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1.—Any telegraph company which is duly incorporated under and in pursuance of the act entitled, "An Act to provide for the incorporation and regulation of telegraph companies," passed April twelfth, eighteen hundred and forty-eight, may construct, own, use, and maintain any line or lines of electric telegraph not described in their original certificate of organization, whether wholly within or wholly or partly beyond the limits of this State and may join with any other corporation or association in constructing, leasing, owning, using or maintaining such line or lines, and may own and hold any interest in any such line or lines, and may become lessees of any such line or lines, upon the terms and conditions and subject to the liabilities prescribed in said act, so far as such provisions are applicable to the construction, using, maintaining, owning, or holding of telegraph lines or any interest therein, pursuant to the provisions of this act.

§ 2.—In case any company incorporated as before mentioned shall become the owners or lessees of, or engage in the construction, use, or maintenance of any line or lines of electric telegraph not described in their original certificate of organization, or shall join with any other corporation or association in leasing, con-

structing, owning, using, or maintaining any such line or lines, or shall own or hold any interest in such line or lines, or shall become lessee of any such line or lines, such company, within one year after constructing, or becoming such owners or lessees, or after joining with any other corporation or association in such construction, leasing, or ownership, or after acquiring any other interest in such line or lines, shall file in the office of the Secretary of State of this State a certificate, describing the general route of such line or lines, designating the extreme points connected thereby, as provided in section two of the act hereby amended, which certificate shall be executed by at least two-thirds of the directors of such corporation, under their hands and seals, and shall be acknowledged by them as prescribed in subdivision five of the second section above mentioned.

§ 3.—Any telegraph company, incorporated as mentioned in the first section of this act, which before the passing of this act shall have purchased, constructed, or leased, or shall have joined with any other corporation or association in the purchase, construction, or leasing, or shall have become the owner or holder of any interest in any line or lines of telegraph not described in their original certificate of organization, may, within one year after the passing of this act, make and file in the office of the Secretary of State such certificate as is provided in the second section of this act, and upon the filing of said certificate, their acts, if otherwise within the provisions of this statute, shall be as valid and effectual as if done after the passing of this act, saving all existing rights of other persons.

NEW YORK.

LAWS OF 1867.

CHAP. 871.

An Act to amend part four, chapter one, title six, section twenty-seven, of the Revised Statutes, in relation to telegraphic despatches, and to amend an Act, passed April tenth, eighteen hundred and fifty, entitled, "An Act to amend an Act, entitled, An Act to provide for the Incorporation and Regulation of Telegraph Companies," passed April twelfth, eighteen hundred and forty-eight.
Passed May 9, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1.—Part four, chapter one, title six, section twenty seven, of the Revised Statutes, is hereby amended so as to read as follows :

§ 27.—If any person shall wilfully open, read, or cause to be opened or read, any sealed letter or telegraphic despatch or message not addressed to himself, without the permission of the person to whom it shall be addressed, or of the writer thereof, or other person having the right to give such permission, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than three hundred dollars, or imprisoned not less than three month, or both such fine and imprisonment. And any person who shall aid, abet, or encourage the opening or reading of any such letter, telegraphic despatch or message, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished as hereinabove provided.

§ 2.—Section one of an Act to amend an Act, passed

April tenth, eighteen hundred and fifty, entitled, "An Act to amend an Act entitled, an Act to provide for the incorporation and regulation of Telegraph Companies," passed April twelfth, eighteen hundred and forty-eight, is hereby amended so as to read as follows:

§ 1.—Any person connected with any telegraph company in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents or the nature of the contents of any private communication entrusted to him for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any Court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail or workhouse in the county where such conviction shall be had, for a term not more than three months, or shall pay a fine not to exceed five hundred dollars, at the discretion of the Court; and any person who shall wilfully, by connivance with any clerk, operator, messenger, or other employee of any telegraph company or otherwise, wilfully and wrongfully obtain, or attempt to obtain any knowledge of any telegraphic message or despatch, communication or communications, while the same shall be in course of transmission, without first having the assent and authority of some person having the right to give such assent and authority, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not more than one thousand dollars, or imprisonment for not more than three months, or both such fine and imprisonment.

§ 3.—This act shall take effect immediately.

NEW YORK.*L A W S O F 1870.***CHAP. 491.**

An Act to amend chapter two hundred and sixty-five of the laws of eighteen hundred and forty-eight, entitled "An Act to provide for the Incorporation and Regulation of Telegraph Companies."
Passed April 28, 1870.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1.—Section seven of chapter two hundred and sixty-five, of the laws of eighteen hundred and forty-eight, entitled, "An Act to provide for the incorporation and regulation of telegraph companies," is hereby amended so as to read as follows :

§ 7.—Any person who shall injure, molest, or destroy any of said lines, posts, piers, or abutments, or the material or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court, before which the conviction shall be had. In cases where, from necessity, by reason of the removal of houses or other like causes, the said telegraph lines are interrupted, broken, or interfered with, if the person causing such interruption shall have given twenty-four hours' previous notice in writing, to any agent of the company to whom the lines belong, he shall be exempt from the effects of the penalty herein provided, and not otherwise.

§ 2.—This act shall take effect immediately.

NEW YORK.

L A W S O F 1870.

CHAP. 568.

An Act in relation to Telegraph Companies, passed May 2d, 1870.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1.—In order to perfect and extend the connections of telegraph companies in this State, and promote their union with the telegraph systems of other States, any telegraph company organized under the laws of this State, may lease, sell, or convey its property, rights, privileges and franchises, or any interest therein, or any part thereof, to any telegraph company organized under, or created by the laws of this or any other State, and may acquire by lease, purchase or conveyance, the property, rights, privileges and franchises, or any interest therein, or any part thereof, of any telegraph company organized under, or created by the laws of this or any other State, and may make payments therefor in its own stock, money, or property, or receive payments therefor in the stock, money, or property of the corporation to which the same may be sold, leased or conveyed, provided, however, that no such purchase, sale, lease or conveyance by any corporation of this State shall be valid until it shall have been ratified and approved by a three-fifths vote of the board of directors or trustees, and also by the consent thereto, in writing or by vote, at a general meeting duly called for the purpose, of three-fifths in interest of the stockholders in such company present or represented by proxy at such meeting.

§ 2.—This act shall take effect immediately.

NEW YORK.*LAWS OF 1875.***CHAP. 319.**

An Act to amend chapter two hundred and sixty-five of the laws of eighteen hundred and forty-eight, entitled, "An Act to provide for the Incorporation and Regulation of Telegraph Companies," passed April twelfth, eighteen hundred and forty-eight.
Passed May 14th, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1.—Section eight of chapter two hundred and sixty-five of the laws of eighteen hundred and forty-eight, entitled, "An Act to provide for the incorporation and regulation of telegraph companies," is hereby amended so as to read as follows:

§ 8.—It shall be lawful for an association of persons organized under this act, by their articles of association to provide for an increase of their capital, and the number of shares of the capital stock of the association, but if any such association shall have omitted to so provide for an increase of their capital, it shall be lawful, after notice of the intention so to do, published once a week for six weeks successively in the State paper, and in any newspaper of general circulation published in the county where the principal office of such company is located, and with the written consent of shareholders holding and owning three-fourths in amount of the then capital stock, to provide for an increase thereof, and the number of shares into which the same shall be divided by an additional certificate specifying such increase and such number, which certificate shall be executed, proved or acknowledged by the board of directors of such association, or a majority of them, and

filed as provided in section two of this act, and such certificate may upon a like notice and consent, also contain a statement of and provision for any desired change in the general route of the lines of the association, designating the route or routes, and the points to be connected, and such certificate shall be deemed and taken as part of the articles of association already filed.

§ 2.—This act shall take effect immediately.

NEW YORK.

L A W S O F 1879.

CHAP. 377.

An Act in relation to Telegraph Companies. Passed May 27, 1879, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1.—It shall be the duty of the owner or the association owning any telegraph line doing business within this State, to receive despatches from and for other telegraph lines and associations, and on payment of their regular charges to individuals, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered with costs of suit in the name and for the benefit of the person or persons, or association sending or desiring to send such despatch.

§ 2.—All Acts and parts of Acts inconsistent with this Act, are hereby repealed.

§ 3.—This act shall take effect immediately.

NEW YORK.

LA WS OF 1870.

CHAP. 397.

An Act to provide for the laying of telegraph wires under ground. Passed May 28, 1870.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SEC. 1.—Any company or companies organized and incorporated under the laws of this State for the purpose of owning, constructing, using and maintaining a line or lines of electric telegraph within this State, or partly within and partly beyond the limits of this State, are hereby authorized, from time to time, to construct and lay lines of telegraph underground in any city, village or town within the limits of this State, subject to all the provisions of law in reference to such companies not inconsistent with this act ; provided that such companies shall, before laying any such line in any city, village or town of this State, first obtain from the common council of cities, the trustees of villages or the commissioners of highways of towns, permission to use the streets within such city, village or town for the purpose herein set forth.

§ 2.—All acts and parts of acts inconsistent with the provisions of this act are hereby, so far as they conflict with this act, repealed.

§ 3.—This act shall take effect immediately.

NEW YORK.

LAWS OF 1881.

CHAPTER 483.

An act to amend Chapter 397 of the Laws of 1879, entitled "An Act to provide for the laying of telegraph wires under ground." Passed June 10, 1881.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chapter three hundred and ninety-seven of the laws Sec. 1. of eighteen hundred and seventy-nine, entitled, "An Act to provide for the laying of telegraph wires under ground," is hereby amended so as to read as follows:

Any company or companies organized and incorporated under the laws of this State for the purpose of Sec. 1. Companies may lay lines underground owning, constructing, using and maintaining a line or lines of electric telegraph within this State, or partly within and partly beyond the limits of this State, are hereby authorized, from time to time, to construct and lay lines of electrical conductors under ground in any city, village or town, within the limits of this State, subject to all the provisions of law in reference to such companies not inconsistent with this act, provided that such company shall, before laying any such line in any city, village, or town of this State, first obtain from the common council of cities, the trustees of villages, or the commissioners of highways of towns, permission to use the streets within such city, village or town, for the purpose herein set forth.

Nothing in this act contained shall be so constructed Sec. 2. Act, how to be constructed. as in any way to limit, alter or affect the provisions or powers relating or granted to telegraph companies heretofore created by special act of the legislature of this State, except in so far as to confer on any such company the right to lay electrical conductors under

ground ; and nothing in section seven of title three, of chapter eighteen, of part one, of the Revised Statutes, shall be so constructed as to apply to any telegraph company heretofore incorporated under a special act of the Legislature of this State.

SEC. 3.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4.

This act shall take effect immediately.

NEW YORK.

L A W S O F 1881.

CHAPTER 597.

An act to provide for fixing the manner of assessing certain real estate of telegraph companies.

The people of the State of New York, represented in Senate and Assembly, do enact as follows :

SEC. 1.

It shall be the duty of the several telegraph companies owning a line or lines of telegraph within this State, to return under the oath of its president or secretary or treasurer, on or before the time required by law for the delivery of the assessment-rolls by the assessor, to the comptroller of the State, and also to the treasurer of each county in which any portion of the lines of such company is located (in the city of New York such return to be made to the commissioners of taxes and assessments thereof), a statement showing the total length of such lines within each county, with the cost of construction, including all equipments, or what would be the cost of reconstruction thereof, on the first day of January preceding the date of such return, and it shall be the duty of the assessors in each assessment district in which such

Telegraph
companies to
make return.

property is located, to insert in the assessment books thereof, for the purpose of taxation, as the value of such property within said district, such proportion of the cost of construction or reconstruction as the length of the lines of such company within such district bears to the aggregate length of all the lines of such company within the county. The treasurer of such county shall notify all town and city clerks by sending to them a copy of the sworn statement received by him from any telegraph company as herein provided.

This act shall take effect immediately.

SEC. 2.

LAWS OF NORTH CAROLINA.**An Act to Facilitate the Construction of Telegraph Line.**

(Ratified March 19th, 1875.)

SEC. 1.

The General Assembly of North Carolina do enact. That for the purposes of this Act the Judge of the Superior Court in vacation shall have and exercise the same power and jurisdiction as the Superior Court may exercise subject to the same right of appeal to the Superior Court, as from final judgments of the Superior Courts, and the Clerk of the Superior Court of the County in which the lands lie, or into or through which the easements or right of way extends, in or over which a privilege, easement or use is sought, shall be the Clerk of such Superior Court required to perform the same duties and entitled to the same fees as in other similar cases in the Superior Court.

SEC. 2.

Such Clerk shall not be required to attend the Court at any place other than the court house of his county, but must make all proper orders and entries, and issue all proper process, writs or notices as commanded by the Superior Court, whether in term, time or vacation.

That any telegraph company chartered or incorporated by this or any other State shall have the right to construct, maintain and operate lines of telegraph along any railroads or other public highway in the State of North Carolina; but such lines of telegraph shall be so constructed and maintained as not to obstruct or hinder the usual travel on such railroad or other highway.

SEC. 3.

That such telegraph company shall have power to contract with any person or corporation, the owner of any lands or of any franchise or easement therein, over which such line of telegraph is proposed to be erected, for the right of way for planting, repairing and preservation of its telegraph poles or other property, and for

the erection and occupation of offices at suitable distances for the public accommodation.

That such telegraph company shall be entitled to the SEC. 4 right of way over the lands, privileges and easements of other persons and corporations, and the right to erect poles and to establish offices upon making just compensation therefor.

That whenever such telegraph company shall fail on SEC. 5. application thereof to secure by contract or agreement such right of way for the purposes aforesaid, over the lands, privilege or easement of another person or corporation, it shall be lawful for such telegraph company, first giving security for costs, to file its petition before the Superior Court for the county in which said lands are situated, or into or through which such easements, privilege or franchise extends, setting forth and describing the parcels of land, privilege or easement over which the way, privilege or right of way is claimed; the owners of the land, easement or privilege, and their place of residence, if known, and if not known, that fact shall be stated, and such petition shall set forth the use, easement, privilege or other right claimed, and must be sworn to, and on such petition, if the use or right sought be over or upon an easement or right of way, it shall be sufficient to give jurisdiction, if the person or corporation owning the easement or right of way be made a party defendant.

Provided, that only the interest of such parties as are brought before the Court shall be condemned in any such proceedings; and if the right claimed be over or upon an easement or right of way which extends into or through more counties than one, the whole right and controversy may be heard and determined in one county into or through which such easement or right of way extended.

That a copy of such petition, with a notice of the SEC. 6. time and place, the same will be presented to the Superior Court, must be served on the person or persons whose interest are to be affected by the proceedings, at

least ten days prior to the presentation of the same to the said Court.

If the person on whom the service is to be made be a corporation, it shall be sufficient if notice be served on an officer or agent of the corporation found in the county in which the land or easement is situated, or upon any other officer of the corporation.

SEC. 7.

That the following sections and parts of sections of chapter one hundred and thirty-eight of the acts of one thousand eight hundred and seventy-one, ratified February 8th, one thousand eight hundred and seventy-two, be, and the same are, made applicable to the proceedings, under the act, namely: Sub division two, three, four, five, six and seven of section fourteen and section fifteen to twenty-three, inclusive.

The term land or real estate in said sections shall be held to include an interest, use, privilege or easement in lands.

SEC. 8.

That the right of appeal to the Superior Court shall be limited to thirty days after the confirmation of the report of the commissioners; but such appeal shall not suspend the right of the petitioner to take possession of the easement, privilege or use condemned, if the damages and costs adjudged be paid or deposited, as directed by the Superior Court.

SEC. 9.

That is, considering the question of damages, when the interest sought is over an easement, privilege or right of way, the commissioners may inspect the premises or rest their finding on testimony, as to them may be satisfactory; and the costs of the proceedings shall be paid by the petitioner, unless in the opinion of the Superior Court the defendant improperly referred the privilege, use or easement demanded, in which case the costs must be adjudged as to the Court may appear equitable and just.

SEC. 10.

All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11.

This Act shall take effect from and after its ratification.
Ratified the 19th day of March, A. D. 1875.

NORTH CAROLINA.

LAWS OF 1881.

CHAPTER 4.

An Act to punish injury to telegraph lines.

Any person who shall wilfully injure or destroy, OR SEC. 1. Unlawful to wilfully in- jure, etc., any telegraph pole. Penalty. pull down any telegraph pole, wire, insulator, or any other fixture or apparatus attached to a telegraph line shall be guilty of a misdemeanor, and may be fined and imprisoned at the discretion of the Court.

That this act shall be in force from and after its ratification. SEC. 2.

Read three times in the General Assembly and ratified this 18th day of January, A. D. 1881.

CHAPTER 116.

An Act to raise revenue.

The General Assembly of North Carolina do enact, SEC. 3. Telegraph com- panies. Penalty. Every telegraph company doing business in this State shall, at the time and in the manner prescribed in the preceding section, make reports of the entire receipts of said company within this State and pay to the public treasurer two per centum for each three months; and in case of default of such report and payment, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the public treasurer shall designate, by distress or otherwise.

NORTH CAROLINA.

LAWS OF 1883.

CHAPTER 103.

An Act to amend the acts of one thousand eight hundred and eighty-one, chapter four. The General Assembly of North Carolina do enact :

SEC. 1.
CHAP. 4, SEC. 1
LAWS 1881,
amended.
Wilful injury to
telephons
pole, etc., a
misdemean-
or, or, f

That section one, chapter four, Acts of one thousand eight hundred and eighty-one, be amended by inserting after the word "telegraph." in second and third lines, the words "or telephone."

SEC. 2.
That this act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1883,

CHAPTER 136.

An Act to Raise Revenue.

The General Assembly of North Carolina do enact :

SEC. 44.
Express, tele-
graph and tel-
ephone com-
panies.

Every * * * telegraph and telephone company doing business in this State, shall pay a tax of two per cent. on its gross receipts within the State. The superintendent, general manager, or other chief officer of every such company, shall make return under oath to the Treasurer of State within ten days after the first day of January, April, July and October, of the amount of the gross receipts of the company for the quarter ending on the last day of the month immediately preceding, and pay to the Treasurer the tax herein imposed at the time of making said return. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the Treasurer of State shall designate, by distress or otherwise.

Penalty.

OHIO.

REVISED STATUTES, 1880.

PART I. POLITICAL TITLE. XIII. TAXATION.

CHAPTER 2.

LISTING PERSONAL PROPERTY.

Express and Telegraph Companies.

* * * * * any person or persons, joint stock association or corporation, engaged in transmitting to, from, through, or in this State, telegraphic messages shall be deemed and held to be a telegraph company.

SEC. 2777.
Who deemed
telegraph
companies.

Each agent of any express company, or telegraph company, having its principal office in any other State or country, and doing business in this State shall annually, in the month of May, make and deliver to the auditor of the proper county, in which such agent has his place of business, a statement verified by the oath of such agent, showing the entire receipts of such agent for the year then next preceding, for and on account of such company, including its proportion of gross receipts for business done by such company in connection with lines of other companies outside of the limits of the State, provided that the amount which any express company actually pays to the railroads within this State for the transportation of their freight within this State may be deducted from the gross receipts of such company as above ascertained, and the balance thus found as to the express companies, and the gross receipts as above ascertained for the telegraph companies, shall be by said auditor entered upon the duplicate of his county

SEC. 2788.
Returns by for-
eign express
and tele-
graph com-
panies of re-
ceipts.

against said company ; provided further, that nothing herein shall release such company from the provisions of section twenty-seven hundred and forty-four ; and provided further, that if such company have a principal agent in this State, superintending its other agents within this State, and to whom its other agents account for all receipts and expenses of their respective agencies, then such principal agent may make the returns in their respective counties herein required, in accordance with the provisions of this chapter, of all agencies within the State; such agent or agents, in making statement of such receipts, shall include as such all sums earned or charged of the business for such preceding year whether actually received or not.

SEC. 2779.

Proceedings in Probate Court when agent refuses to make statement.

If any agent of such express or telegraph company shall neglect or refuse to make and return such statement it is hereby made the duty of the auditor of the county in which such agent has his office or place of business, to ascertain the amount so received by such agent, and for that purpose he is hereby authorized to institute proceedings in the Probate Court of the proper county in the name of the State, against said agent, to compel the appearance of such agent before said Court to answer such questions as may be put to him relating to his said agency, and the subject matter thereof. It shall be the duty of the said Probate Judge, on complaint of any county auditor, that any such agent has refused or neglected to make the statement required by the next preceding section, to compel the attendance of said agent before him by the process of the Court, and then and there, to require him to answer under oath all questions that may be put to him relating to his said agency, which examination shall be reduced to writing by said Judge, and the cost of such proceedings shall be taxed against said agent personally, and collected as in case of judgment of said Court. From the examination aforesaid, and such information as the auditor can obtain, he shall ascertain the receipts of said agent, and

Sum and penalty to be entered on tax list and duplicate.

enter the sum upon his tax list and duplicate, with fifty per cent. penalty thereon.

In all cases when the return for taxation is made to the several company auditors by the principal agent of any express or telegraph company under the provisions of this chapter, it shall be the duty of the said principal agent at the same time to forward an abstract thereof to the auditor of the State, which said abstract shall contain the total amount returned to all of said counties.

Sec. 2780.
Abstract made by express or telegraph company to be forwarded to the auditor of State.

When no return is made to the several county auditors by the principal agent of any express or telegraph company, it shall be the duty of the several county auditors, annually, on or before the first day of August, to report to the auditor of State the amount returned to him by the several agents of any such company in his county, and the amount placed by such county auditor upon his tax list and duplicate against such company, which returns shall be by the auditor of State reported to the general assembly with his annual report.

Duty of County auditor if return is not made.

OHIO.

REVISED STATUTES 1880. PART 1.

TIT. XIII.—CONTINUED.

CHAPTER 6.

COLLECTION OF TAXES.

The agent of every express or telegraph company shall retain in his hands for such company, and pay to the county treasurer, the amount of all taxes assessed against such company, and in case of the default of pay-

Sec. 2812.
Agent of Express or Telegraph Company to pay taxes of the company.

ment the treasurer shall proceed to collect the same, as in cases of delinquent personal property tax : Provided that where there is more than one such agent of the same company in one county, the agent thereof in the principal city, town or village of such county, may assume the payment of such tax, and upon so doing, the other agents in the same county shall not be required to retain funds to pay the same.

One may pay
for all the offi-
ces of the
County.

SEC. 2843.

If the taxes assessed against any express company or telegraph company in any county in this State shall remain due and unpaid to the treasurer of said county, for the period of twenty days after the time provided by law for the payment thereof, it shall be unlawful for any person or persons or corporation to act as agents or do or transact any business for such company so in default to such county, until said tax and interest and penalty is fully paid ; any person or agent, manager or clerk of any corporation, who shall after such default, directly or indirectly act as agent of or do or transact any business whatever on account of or for the benefit of such company so in default, other than the payment of said tax, shall be held to be guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than one hundred nor more than five hundred dollars, or punished by imprisonment in the county jail and fed on bread and water only, not exceeding thirty days, or both, at the discretion of the Court ; after such default made as aforesaid, any railroad company which shall directly or indirectly convey or carry for said defaulting express or telegraph company, any package of money merchandise or other article, or transmit any telegraphic message after having notice of such default, shall for every such offence forfeit and pay a sum equal to the amount of such tax due and unpaid, with the interest and penalty thereon, to be recovered by an action in the name of the State in the county where such tax is assessed, with the costs of suit.

OHIO.*REVISED STATUTES 1880. PART II. CIVIL.*

TIT. II. CORPORATIONS.

CHAPTER 2.

RAILROAD COMPANIES.

A railroad company now existing or hereafter created, SEC. 3270.
 may maintain and operate, or construct, maintain, and May construct and maintain a railroad, and where.
 operate, a railroad, with a single or double track, with
 such sidetracks, turnouts, offices, depots, roundhouses,
 machine shops, water tanks, telegraph lines, and other
 necessary appliances, as it deems necessary, between the
 points named in the article of incorporation, commenc-
 ing at or within, and extending to or into, any city, vil-
 lage, town, or place named as a terminus of its road.

OHIO.*REVISED STATUTES, 1880. PART II.*

TIT. II.—CONTINUED.

CHAPTER 4.

MAGNETIC TELEGRAPH COMPANIES.

A magnetic telegraph company heretofore or hereafter SEC. 3454.
 created may construct telegraph lines from point to Powers of com-
 penies.

point, along and upon any public road, by the erection of the necessary fixtures, including posts, piers and abutments, necessary for the wires; but the same shall not incommode the public in the use of such road.

Sec. 3455.
Further powers

Any such company may construct, own, use and maintain any line or lines of magnetic telegraph, whether described in its original articles of incorporation or not, and whether such lines are wholly within or partly beyond the limits of this State, and may join with any other company or association in conducting, leasing, owning, using or maintaining such line or lines upon such terms as may be agreed upon between the directors or managers of the respective companies; and such companies may own and hold any interest in any such line or lines, or may become lessees of such line or lines upon such terms as may be agreed upon.

Sec. 3456.
May enter upon
and appropriate
lands.

Any such company may enter upon any land, whether held by an individual or a corporation, and whether acquired by purchase or appropriation, or in virtue of any provision in its charter for the purpose of making preliminary examinations and surveys with a view to the location and erection of lines of magnetic telegraph, and may appropriate so much thereof as may be deemed necessary for the erection and maintenance of its telegraph poles, piers, abutments, wires, and other necessary fixtures, and for stations and the right of way over such lands and adjacent lands sufficient to enable it to construct and repair its lines.

Sec. 3457.
Limitation upon
such authority.

No such company shall, without the consent of the owner thereof in writing, enter a building or edifice, or use or appropriate any part thereof, or erect any telegraph pole, pier, or abutment, in any yard or inclosure within which an edifice is situate, nor in cases not provided for in section three thousand four hundred and sixty-one, erect any telegraph pole, pier, abutment, wires, or other fixtures, so near to any edifice as to occasion injury thereto, or risk of injury, in case such pole, pier, or abutment be overthrown, nor destroy any fruit or ornamental tree; when lands sought to be ap-

propriated for lines of magnetic telegraph are held by a corporation incorporated under any law of this State, whether held by purchase, or in virtue of any appropriation authorized by its charter or by any law of this State, the right of the company to appropriate such lands shall be limited to such use of the same as shall not, in any material degree, interfere with the practical uses to which the company is authorized to put such lands under its charter; and no such company shall erect poles, pier, abutments, wires, or other necessary fixtures, in such close proximity to any other line of magnetic telegraph authorized by law to be constructed, as to interfere mechanically with the practical working of such telegraph.

Sec. 3458.
When the land
to be appro-
priated is
held by a cor-
poration.

The right of such a company to use lands held by a railroad company for the permanent structures of such telegraph shall be limited to the land which lies within five feet of the outer limits of the right of way of the railroad company where it is practicable to erect a line within those limits; when the company seeks to appropriate lands that lie beyond those limits its petition must set forth the facts showing that it is impracticable to erect such line within said limits and designate either by a survey and map or by reference to monuments or by other means of easy identification, the place or places where the company seeks to establish the line; the Probate Court shall in all instances determine if it be controverted by the railroad company, whether the erection of the line at the places designated will in any material degree interfere with the practical uses to which such railroad company is authorized to put such land; and if the Court is satisfied that it will so interfere it shall reject the petition or require the structure to be erected at such other place or places as the Court shall direct; but nothing in this chapter shall be so construed as to authorize any company to appropriate the use of the track or rolling stock of any railroad company for the purpose of transporting poles, materials or the employ-

Sec. 3459.
When such
land is held
by a railway
company.

ees of such telegraph company or for any other purpose whatever.

SEC. 3460.
When the land
lies in more
than one
county.

Proceedings to appropriate lands to the use of a company against a defendant whose adjoining or continuous lands lie in more than one county may be instituted in any county in which any part of said lands lie, and the damage shall be assessed in one proceeding in respect of all such lands of the defendant sought to be appropriated, whether lying in the county wherein the Court is sitting or in other counties.

SEC. 3641.
How right to
use public
ground ac-
quired.

When any lands authorized to be appropriated to the use of the company are subject to the easement of the street, alley, public way or other public uses within the limits of any city or village, the mode of use shall be such as shall be agreed upon between the municipal authorities of the city or village and the company; and if they cannot agree, or the municipal authorities unreasonably delay to enter into any agreement, the Probate Court of the county, in a proceeding instituted for the purpose, shall direct in what mode such telegraph line shall be constructed along such street, alley or public way so as not to incommode the public in the use of the same; but nothing in this section shall be so construed as to authorize any municipal corporation to demand or receive any compensation for the use of street, alley or public highway beyond what may be necessary to restore the pavement to its former state of usefulness.

SEC. 3462.
Must receive
and transmit
dispatches
except from
competing
lines.

Every company, incorporated or unincorporated, operating a telegraph line in this State shall receive dispatches from and for other telegraph companies which are not parallel to or are not doing business in competition with the line over which the dispatch is required to be sent, and from or for any individual, and on payment of its usual charges for transmitting dispatches as established by the rules and regulations of the company shall transmit the same with impartiality and good faith, under a penalty of one hundred dollars for each case of neglect or refusal so to do, to be recovered with costs of suit by civil action in the name and for the

benefit of the person or company sending or desiring to send the dispatch.

When a person who sends a dispatch desires to have it forwarded over the lines of other telegraph companies, whose termini are within the limits of the usual delivery of such companies, to the place of final destination, and tender to the first company the amount of the usual charges for the dispatch to the place of final delivery, the company shall receive the same, and without delaying the dispatch, shall pay to the succeeding line the necessary charges for the remaining distance; and the succeeding line shall accept the same, and forward the dispatch in the same manner as if the sender had applied to it in person, and pay the usual charges, and for the omission so to do it shall be liable to a like penalty, as provided in the last section.

SEC. 3463.
When to forward messages by other lines.

When application is made to any such company to send a dispatch, the officer, agent, clerk, or servant appointed by the company to receive dispatches at that station shall inform the applicant, and, if required by him, write upon the dispatch that the line is not in working order, or that the dispatches on hand will occupy the time, so that the dispatch offered cannot be transmitted within the time required, if the facts are so; and for an omission so to do, or for intentionally giving false information to the applicant in relation to the time within which the dispatch offered may be sent, such officer, agent, clerk, or servant, and the company by which he is employed, shall incur the penalty provided in section thirty-four hundred and sixty-two.

SEC. 3464.
Agents must endorse dispatch, when.

Every telegraph company, incorporated or unincorporated, operating any telegraph line in this State, shall transmit and deliver all dispatches in the order in which they are received for transmission or delivery, under the penalty of one hundred dollars, as provided in section 3462; but arrangements may be made with the proprietors or publishers of newspapers for the transmission for the purpose of publication, of intelligence of general and public interest, and dispatches by officers of the

SEC. 3465.
Penalties for not transmitting or delivering message.

State of the United States on public business, may have preference over all private business, when the public interest requires such preference; no company shall be required to deliver dispatches at a greater distance from the station at which they are received than its published regulations require; and if any applicant direct a dispatch to be mailed at the place of delivery, and offer to pay the necessary postage thereon, the company shall affix the necessary postage stamp, and mail the dispatch in time for the first mail that departs after such dispatch is received, at the office of delivery, and for the omission so to do the company shall be liable to a like penalty, as provided in section 3462.

SEC. 3466.
Penalties
against per-
sons connect-
ed with com-
panies.

Any person connected with a telegraph company, incorporated or unincorporated, operating a line of telegraph in this State, in any capacity, who wilfully divulges the contents or the nature of the contents of a private communication intrusted to him for transmission or delivery, or who wilfully refuses or neglects to transmit or deliver the same, or wilfully delays the transmission or delivery of the same, with a view to injure the sender or intended receiver thereof, or to benefit himself or any other person, shall be imprisoned in the county jail not exceeding three months or fined not exceeding five hundred dollars, at the discretion of the Court.

SEC. 3467.
Penalties for
knowingly
transmitting
dispatches
forged.

A person, who knowingly transmits by any telegraph line, any false communication or intelligence, with intent to injure any person, or to speculate in any article of merchandise, commerce or trade, or with intent that another may do so, or knowingly sends or delivers a dispatch that is forged, or not authorized by the person whose name purports to be signed thereto, shall be liable to the same penalty as is provided in section 3462.

SEC. 3468.
When and how
telegraph
structures
may be re-
moved.

If, at any time after the erection of a line of magnetic telegraph upon lands held by a corporation, the corporation have occasion to use the land upon which a telegraph pole, pier, abutment, or other fixture has been erected, for any of the purposes authorized by its

charter, the company shall remove such pole, pier, abutment, or fixture, to such convenient place as may be designated by the corporation requiring the use of the ground upon reasonable notice, given in writing, and erect the same in such new places so as not to interfere with the practical uses to which the corporation is authorized to put such land; and if it is impractical to erect a line of magnetic telegraph upon the lands of such corporation in consequence of the uses to which the corporations put the lands, the telegraph company may appropriate adjoining lands, by a separate proceeding for that purpose.

If, at any time after the erection of such telegraph line on the lands of a corporation, the corporation apprehends danger, or risk of danger, to its works or practical operations, in consequence of decay or defect in the mode of structure of any of the works of the telegraph company, it may require the company, upon five days' notice, in writing, to repair such decayed or defective works; or, if the danger is imminent, so as not to admit of delay, the corporation may, without notice, repair the defect, and recover the reasonable expense thereof, with costs of suit, before any Court of competent jurisdiction.

SEC. 3460.
How and when
repair of
structures en-
forced

When two or more telegraph companies desire to consolidate into a single corporation, they may do so in the manner, and subject to rules, provided in chapter two for the consolidation of railroad companies.

SEC. 3470.
Companies
may consoli-
date.

The provisions of this chapter shall apply also to any company organized to construct any line or lines of telephone, and every such company shall have the same powers, and be subject to the same restrictions, as are herein prescribed for magnetic telegraph companies.

SEC. 3471.
Chapter ap-
plies to tele-
phone com-
panies.

OHIO.

GENERAL LAWS 1881. PAGE 26.

An Act to Amend Section 3470 of the Revised Statutes.

SEC. 1.

Be it enacted by the General Assembly of the State of Ohio, that section three thousand four hundred and seventy, of the Revised Statutes of Ohio, be so amended as to read as follows:

SEC. 3470.

How and when
Telegraph
Companies
may consol-
date.

Where two or more telegraph companies, whose several lines are not parallel or in competition with each other, and when so united will form a continuous line for receiving and transmitting despatches, desire to consolidate into a single corporation, they may do so in the manner and subject to the rules provided in chapter two for the consolidation of railroad companies.

SEC. 2.

Said original section three thousand four hundred and seventy is hereby repealed, and this act shall take effect and be in force from and after its passage.

Passed February 4, 1881.

O H I O .

REVISED STATUTES, 1883.

TIT. II., CORPORATIONS.

CHAPTER IV.

TELEGRAPH COMPANIES.

SEC. 3455.

Powers of tele-
graph com-
panies.

Any such company may construct, own, use and maintain any line or lines of magnetic telegraph whether described in its original articles of incorpora-

tion or not, and whether such line or lines are wholly within or partly beyond the limits of this State, and may join with any other company or association in conducting, leasing, owning, using or maintaining such line or lines upon such terms as may be agreed upon between the directors or managers of the respective companies; and such companies may own and hold any interest in any such line or lines, or may become lessees of such line or lines upon such terms as may be agreed upon, but it shall be unlawful for any such company or companies, and the owner or owners of rights of way to contract for the exclusive use thereof for telegraphic purposes.

Unlawful to
contract for
exclusive
right of way.

Every company, incorporated or unincorporated, ^{Sec. 3462.} operating a telegraph line in this State, shall receive dispatches from and for other telegraph lines, and from or for any individual, and on payment of its usual charges for transmitting dispatches, as established by the rules and regulations of the company, shall transmit the same with impartiality and good faith, under penalty of one hundred dollars for each case of neglect or refusal so to do, to be recovered with cost of suit, by civil action, in the name and for the benefit of the person or company sending or forwarding or desiring to send or forward the dispatch.

The provisions of this chapter are extended to telephone companies by § 4471 of R. S., 1880.

A contract between a telephone company and the owners of instruments, to the effect that in the use of such instruments, discrimination shall be made as between telegraph companies is void as against public policy as declared by statute.

State *vs.* Telephone Co., 36 O. S., 297.

A stipulation by a telegraph company against the consequences of its own negligence is void.

Telephone Co. *vs.* Griswold, 37 O. S., 301.

OREGON.

GENERAL LAWS OF 1843 AND 1872.

CHAPTER LVIII.

- SEC. 1. Right to construct telegraph lines over public and private lands and highways.
- SEC. 2. Not to obstruct highways or navigation; not to be set upon private lands, unless.
- SEC. 3. Damages for use of private lands; how ascertained, award final.
- SEC. 4. Award of damages to be in writing; sworn to and filed.
- SEC. 5. Claim for damages when made.
- SEC. 6. Official dispatches in time of war, etc.; transmission of; penalty for violation of this section.
- SEC. 7. Persons offending against sections 8, 9, 13 or 14, liable in civil action.
- SEC. 8. Persons in employ of telegraph company exempt from militia and jury duty.
- SEC. 9. Telegram to be deemed a writing, contract by.
- SEC. 10. Notices may be given by telegraph.
- SEC. 11. Telegraph copy of instrument may be admitted to to record.
- SEC. 12. Checks and all orders for money may be drawn by telegraph; original message to be preserved.
- SEC. 13. Telegraph copy of instrument under seal of notary, effect of.
- SEC. 14. Arrest by telegraph; order for prior to indictment, effect of.
- SEC. 15. Civil process, service and return of by telegraph.
- SEC. 16. Order of sending dispatches.
- SEC. 17. Must be in order received.

LAWS OF PENNSYLVANIA

IN RELATION TO TELEGRAPH COMPANIES.

[GENERAL INCORPORATION ACT OF 1874.]

SECTION 33.—The charter for the incorporation of a company to maintain a telegraph line shall, in addition to what is hereinbefore required, also state :

- I. The general route of the line of telegraph.
- II. The points to be connected.

Clause 1. Such corporation shall be authorized, when incorporated as hereinbefore provided, to construct lines of telegraph along and upon any of the public roads, streets, lands or highways, or across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such lines, but the same shall not be so constructed as to incommode the public use of said roads, streets or highways, or injuriously interrupt the navigation of said waters ; and this act shall not be so construed as to authorize the construction of a bridge across any of the waters of this State.

Clause 2. In all cases where the parties cannot agree upon the amount of damages claimed, or by reason of the absence or legal incapacity of the owner or owners,

no such agreement can be made for the right to enter upon lands or premises for the purposes named in this section, the company shall tender a bond, or have the same filed in the manner provided in the forty-first section of this act, and proceedings shall be had as therein set forth.

Clause 3. The said telegraph corporation shall have the right to connect its lines of telegraph with any other line operating within this State; and it shall be the duty of any corporation or person owning any other telegraph line doing business within this State, to permit such connection, and to receive despatches from and for other telegraph lines and corporations, and from and for any individual, and on payment of their usual charges to individuals for transmitting despatches as established by the rates and regulations of such telegraph line, to transmit the same with impartiality and good faith, under penalty of one hundred dollars for every neglect or refusal so to do, to be sued for as debts of like amount are by law recoverable, and to be recovered, with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such despatch.

Clause 4. No such telegraph company shall be consolidated with or merged in any other company owning a competing line of telegraph, nor shall the stock or bonds of any such telegraph company, to an amount sufficient to control the same, be held or owned by any company owning a competing line of telegraph, nor shall any company owning a competing line acquire, by purchase or otherwise, any other competing line of telegraph.

Clause 5. That the charge by all telegraph companies organized under this act, and those accepting the provisions thereof, for the transmission of any telegraphic despatch, shall include the charge for the delivery thereof, and no extra or additional charge shall be made for such delivery.

PENNSYLVANIA.

LAWS OF 1883.

No. 11. An act respecting telegraph, telephone, electric light, and other wires and cables for electric purposes.

Be it enacted : That whenever any wire or cable used for any telegraph, telephone, electric light, or other wire or cable for electric purposes, is or shall be attached to, or does or shall extend upon or over any building or land, no lapse of time whatsoever shall raise a presumption, or justify a prescription of any perpetual right to such attachment or extension.

Approved the 19th day of April, 1883.

PENNSYLVANIA.

LAWS OF 1883—Continued.

No. 78. An act to escheat to the Commonwealth the telegraph lines and property of telegraph corporations, associations and companies, which violate the provisions of the constitution, prohibiting the consolidation with or the holding of a controlling interest in the stock or bonds of a competing line of telegraph, or the acquisition by purchase or otherwise of any other competing line of telegraph, prescribing the method by which the same may be done and regulating the proceedings thereunder.

Be it enacted, &c. : That whenever any telegraph corporation, telegraph association or telegraph company, chartered for telegraph purposes, and owning and con-

SEC. 1.
Lapse of time
not to raise
presumption
of right.

SEC. 1.
On consolida-
tion, franchi-
ses, &c.,

competing line to be forfeited. trolling a telegraph line in this State, shall consolidate with any other telegraph corporation, telegraph association or telegraph company, chartered for telegraph purposes and owning and controlling a competing telegraph line, the said competing telegraph lines and all franchises and property connected therewith for the operation of the same, within this State, shall be forfeited to and become the property of this Commonwealth.

SEC. 2.
Controlling interest in stock or bonds to work a forfeiture.

Whenever any such corporation, association or company owning and controlling a line of telegraph, shall hold a controlling interest in the stock or bonds of any such other telegraph corporation, association or company, owning a competing line of telegraph, or shall acquire by purchase or otherwise any other competing line of telegraph, the stock or bonds so held and the telegraph line together with all franchises so purchased or otherwise acquired, shall be forfeited to and become the property of the Commonwealth.

SEC. 3.
How forfeiture may be decreed.

Whenever any telegraph line, franchises, property, stocks, bonds become forfeited, and escheat to the Commonwealth, under the first and second sections of this act, such forfeiture and escheat may be decreed under proceedings by *quo warranto*, in any Court of Common Pleas of this State, from which

Appeal to Supreme Court may be had within six months.

decree any party interested may appeal to the Supreme Court at any time within six months after such decree and not afterward. Provided, That any holder of stock or bonds of any telegraph company, who shall have been opposed to the consolidation with or sale to the competing company, or shall not have assented thereto, or acquired therein, may be admitted as a co-defendant in such *quo warranto* proceedings: and upon proof of such opposition or want of assent and acquiescence to the

Court to mould decree without prejudice to them.

satisfaction of the Court, it shall be lawful for the Court to so mould the decree as to be without prejudice to the right of such innocent stockholder to hold his stock; and in case of an innocent bondholder, that he shall be entitled to such *pro rata* share of the proceeds of the

sale by the Commonwealth as hereinafter provided, as his bonds shall bear to the whole amount outstanding; but in no case to exceed the par value and accrued interest thereon.

After a final decree of the Court establishing the forfeiture and escheat to the Commonwealth, as provided in section three of this act, the Auditor-General shall expose to sale by public auction, at the Capitol in Harrisburg, the telegraph line, franchises, property, stocks and bonds so escheated, after notice of said sale by publication for four successive weeks in at least one newspaper in each county through which the expected telegraph line passes, and at said sale the said telegraph line, franchises, property, stocks and bonds shall be sold to the highest and best bidder for cash. Provided, That no such corporation, association or company, owning or operating a competing line of telegraph shall become a purchaser at said sale; and upon the payment of the price at which the same shall be thus sold, and filing with the Secretary of State of the certificate of the State Treasurer that the money has been so paid, together with the certificate of the Auditor-General, setting forth the fact and terms of the sale; a deed for the telegraph line, franchises, property, stocks and bonds so sold shall be executed in the name and under the seal of the Commonwealth, to the purchaser or purchasers, signed by the Governor and attested by the Secretary of State, which deed shall vest in the purchaser or purchasers a valid and sufficient title thereto.

SEC. 4.
After a final decree of forfeiture Auditor-General to sell.

Competing companies cannot purchase.

Proceedings.

Subsequent to sale.

Deed.

The said Court shall have power to summon the officers of any such corporations, associations or companies, or either of them, by subpoena, citation or otherwise, as the said Court shall direct, to appear before said Court and produce all of its or their books and papers, and to examine them upon oath to ascertain whether they are, or any of them, have violated the twelfth section of the sixteenth article of the Constitution of this Commonwealth, and shall have power to enforce this appearance by attachment, as in case of

SEC. 5.
Courts empowered to enforce provisions of the Constitution relative to telegraph companies.

other witnesses, or the said Court may direct to be filed a bill of Discovery in the said Court, against the officers, directors or trustees of any such corporation, association or companies, or either of them, which the defendants therein shall answer, under the compulsion usual in such cases. And the evidence so taken and their answers may be used in the said proceedings to assert the rights of the Commonwealth.

SEC. 6.
On compliance
with provis-
ions of act
purchasers
may be in-
corporated.

The purchaser or purchasers for or on whose account any telegraph line, franchises or property shall be purchased from the Commonwealth, as authorized by this act, where an organization is effected and a certificate filed, as required in the proviso hereto, shall be, and they are hereby constituted a body politic and corporate, and shall be vested with all the right, title, interest, property, claim and demand in law and equity of, in, and to such telegraph line, with its appurtenances, and with all the rights, powers, immunities, privileges and franchises of said corporation, association or company owning the said telegraph line, property and franchises at and immediately before the forfeiture thereof, under sections one and two of this act; and the person or persons for, or on whose account any such telegraph line, property and franchises shall be purchased, shall meet within thirty days after the delivery of the deed from the Commonwealth, public notice of such meeting having been given at least once a week for two weeks, in at least one newspaper published in the city of Harrisburg, and organize said new corporation by electing a President and a board of six Directors (to continue in office until the first Monday in May succeeding such meeting, when, and annually thereafter, on the said day, a like election for a President and six Directors shall be held, to serve for one year), and shall adopt a common seal, determine the amount of the capital stock thereof, and shall have power and authority to make and issue certificates therefor to the purchaser or purchasers aforesaid, to the amount of their respective interests therein, in shares of fifty dollars each; and

Organization
to be effected
within thirty
days after
delivery of
deed.

Officers to be
elected.

Name and seal
to be adopted

may then or at any time thereafter, create and issue preferred stock, to such an amount and on such terms as they may deem necessary ; and from time to time issue bonds at a rate of interest not exceeding seven per centum, to any amount not exceeding their capital stock, and to secure the same by one or more mortgages upon the telegraph line, property and franchises, or on any part or parts thereof : Provided, that the person or persons for, or on whose account the purchase is made, shall organize by the election of a President and a Board of Directors, as above provided, within three calendar months after the delivery of the deed from the Commonwealth, and within one calendar month after such organization make a certificate thereof, under its common seal, attested by the signature of its President, specifying the date of such organization, the corporate name adopted, the amount of capital stock, and the names of the President and Directors, and transmit the said certificate to the Secretary of State at Harrisburg, to be filed in his office, and there remain of record ; and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation.

Approved the 5th day of June, A. D. 1883.

Certificate of
organization
to be filed
with Secretary
of Commonwealth.

Certified copy
to be evidence
of corporate
existence.

RHODE ISLAND

Has no regular Incorporation Act for telegraph companies, yet has for turnpike, railroad, and manufacturing companies.

Has, however, an act setting forth provisions respecting corporations in general passed in 1872 (see chapter 139, General Statutes of R. I.), stating how corporations shall be formed, their general powers, &c., substantially the same as those of other States, but no telegraph company incorporation is specially provided for.

Among the laws for the punishment of crimes, there is named a penalty for "breaking or cutting telegraph poles, or wires" (see Gen. Stat. 547), and penalty for disclosing to unauthorized persons contents of any message (Gen. Stat., 548), and (Gen. Stat., 354-355) it is provided that the right to maintain telegraph poles, wires and apparatus shall not give easement by prescription.

RHODE ISLAND.*LAWS OF 1880.***CHAPTER 804.****AMENDING CHAPTER 598 OF THE PUBLIC LAWS OF
JANUARY, A. D. 1866.**

It is enacted by the General Assembly as follows :

In addition to the powers granted to the city council of the city of Providence, by chapter 598 of the statutes passed at the January session, 1866, the said city council may make laws, ordinances, regulations and orders relative to the putting up, laying, use and maintain-

SEC. 1.

City Council of Providence authorized to make laws, etc., relative to putting up,

ance of telegraph and other wires and appurtenances thereto, under and over the highways, streets, sidewalks and buildings, with the consent of the owners thereof, within the city limits, and prescribing the conditions thereof; and may also by ordinance, resolution, or order, at any time and from time to time, remove any and all telegraph and other wires and the appurtenances thereto now put up, laid, used and maintained within the city limits, which it may deem dangerous to the to the city or to property, whether from fire or other causes, or which in its opinion may interfere with the means for notice of fire or precautions against fire now provided, or which may hereafter be provided by said city.

removal, etc.
of telegraph
and other
wires and ap-
purtenances
thereto.

This act shall take effect from and after its passage, Sec. 2.
and all acts and parts of acts inconsistent herewith are hereby repealed.

RHODE ISLAND.

LAWS OF 1881.

CHAPTER 862.

An Act in Addition to Chapter 25 of the General Statutes.

Every telegraph company and every telephone com-
pany doing business within this State shall annually,
on the first Monday in July, make return to the State
Auditor, subscribed and sworn to by its treasurer or
agent within this State, setting forth all the gross re-
ceipts of such company derived from its business trans-
acted within this State from whatever source the same
may come, whether from the transmission of messages,
or the use of machines or otherwise, and shall thereafter

Sec. 1.

Telegraph and
telephone
companies to
make annual
return to
State Auditor
of gross re-
ceipts.

annually, on or before the first day of August next succeeding the making of such return pay to the general treasurer a tax of one per centum on such gross receipts for the use of the State, which sum shall be in lieu of all other taxes upon its lines and personal estate used exclusively in telegraphic and telephonic business within this State.

Tax to be paid to the State.
Sec. 2.
Penalty for not making return.

If the return required to be made by the preceding section be not made within twenty days as is there required, the officer and agent neglecting or refusing to make the same shall be fined not exceeding five thousand dollars or less than one thousand dollars.

Sec. 3.
If tax be not paid, process for collector thereof.

If the tax provided for by section 1 of this act be not paid within thirty days after the same shall become due and payable, the general treasurer shall apply to the Supreme Court by petition in the nature of a petition in equity, setting forth the non-payment of such tax, and describing the property, machines and choses in action of such corporation, and the name or names of the agent or officer of such corporation, subscribing the return hereof provided to be made by section 1, and the name or names of the persons then filling said offices, and the Court shall thereupon appoint a time for the hearing of the matters set forth in said petition, and shall cause a reasonable notice thereof to be given to the adverse party, and at the time and place of the return of such notice shall proceed summarily to hear the parties; and if, upon the hearing, the Court shall determine that the said tax is due and payable, and has not been paid, the Court shall forthwith issue an execution for the said tax, in which the officer shall be commanded to attach all the wires, machines, choses in action, and other property of the company assessed within his precinct, and the officers properly charged with the service of the said execution as commanded, and shall sell the property seized thereon as personal property is sold when taken in execution in actions at law.

Supreme Court to appoint time for hearing.

To issue execution.

Duty of officers to serve execution and sell property

Sec. 4.

This act shall take effect from and after its passage.

RHODE ISLAND.

LAWS OF 1881—Continued.

CHAPTER 881.

An Act in Relation to Telegraph and Telephone Lines.

It is enacted by the General Assembly as follows :

In all actions of law or in equity against the owners of telegraph and telephone lines residing out of the State, the leaving of a certified copy of the process, including the process of garnishment by the proper officer, at any office of said owners, within the State, with some person there in charge, shall be deemed a legal and sufficient service.

Sec. 1.
Of service of
legal process
on owners of
telegraph
and tele-
phone lines
residing with-
out the State.

RHODE ISLAND.

*PUBLIC STATUTES 1882.*TITLE V. THE PROPERTY AND REVENUE OF THE
STATE AND OF THE STATE DEBT.

CHAPTER 27.

OF THE REVENUE OF THE STATE.

Every telegraph company and every telephone company doing business within the State, shall, annually, on the first Monday in July, make return to the State Auditor, subscribed and sworn to by its treasurer or agent within the State, setting forth all the gross receipts of such company derived from its business transacted within this State, from whatever source the

Sec. 10.
Telegraph and
telephone
companies to
make annual
return to
State Auditor
of gross re-
ceipts.

same may come, whether from the transmission of messages, the use of machines or otherwise, and shall thereafter, annually, on or before the first day of August next, succeeding the making of such return, pay to the general Treasurer a tax of one per centum on such gross receipts, for the use of the State, which sums shall be in lieu of all other taxes upon its lines and personal estate, used exclusively in telegraphic and telephone business within this State.

SEC. 12.

Penalty for not making return.

If the returns required by section 10, be not made within twenty days, as is therein required, the officer and agent neglecting or refusing to make the same, shall be fined not exceeding five thousand dollars, nor less than one thousand dollars.

SEC. 13.

Process for collection of tax if not paid.

If the tax provided for by section 10 be not paid within thirty days after the same shall become due and payable, the general Treasurer shall apply to the Supreme Court by petition, in the nature of a petition in Equity, setting forth the non-payment of such tax, and describing the property and choses in action of such company or corporation, and the name or names of the agent or officer of such company or corporation, subscribing the returns hereby provided to be made by section 10, and the name or names of the persons then filling said offices, and the Court shall thereupon appoint a time for the hearing of the matter set forth in said petition, and shall cause a reasonable notice thereof to be given to the adverse party, and at the time and place of the return of such notice, shall proceed summarily to hear the parties; and if upon the hearing, the Court shall determine that the said tax is due and payable and has not been paid, the Court shall forthwith issue an execution for said tax in which the officer shall be commanded to attach all the wires, machines, choses in action and other property of the company or corporation assessed within his precinct, and the officer properly charged with the service of the said execution, shall serve the said execution as commanded, and sell the

property seized thereon as personal property is sold when taken on execution in action at law.

RHODE ISLAND.

PUBLIC STATUTES, 1882—Continued.

TITLE VIII.—OF TOWNS AND TOWN OFFICERS.

CHAPTER 38.

OF THE TOWN COUNCIL.

Town councils and city councils may, from time to time, make and ordain all ordinances and regulations for their respective towns not repugnant to law, which they may deem necessary * * * * * to regulate the putting up and maintenance of telegraph and other wires and the appurtenances thereof * * * * * and generally all other ordinances, regulations and by-laws for the well ordering, managing and directing of the prudential affairs and police of their respective towns, not repugnant to the constitution and laws of this State or of the United States.

SEC. 90.
May make
police regu-
lations.

RHODE ISLAND.

PUBLIC STATUTES, 1882—Continued.

TITLE XXII.—OF REAL AND PERSONAL ESTATES.

CHAPTER 175.

OF TITLE BY POSSESSION.

No enjoyment by any persons or corporations for any length of time of the privilege of maintaining telegraph

SEC. 10.
Telegraph

poles, etc., re- posts, wires or apparatus, in, upon or over any lands or
 stric tion on buildings of other persons or corporations, shall confer
 effect of a legal right to the continued enjoyment of such ease-
 maintaining. ment, or raise any presumption of a grant thereof.

RHODE ISLAND.

PUBLIC STATUTES, 1882—Continued.

TITLE XXV.—OF THE JUDICIARY.

CHAPTER 200.

OF JURORS AND JURIES.

SEC. 2. The following persons shall be exempted from serving
 Persons and as jurors, namely: * * * * * telegraphic operators,
 classes ex- * * * * *
 empt from jury duty.

RHODE ISLAND.

PUBLIC STATUTES, 1882—Continued.

TITLE XXVI.—OF ACTIONS AND PROCESS.

CHAPTER 207.

OF THE SERVICE OF WRITS.

SEC. 33. In all actions at law or in equity against the owners
 Service of pro- of telegraph and telephone lines residing out of the
 cess on non- State, the leaving of a certified copy of the process, in-
 resident own-

cluding the process of garnishment by the proper officer, at any office of said owners, within the State, with some person there in charge, shall be deemed a legal and sufficient service.

ers of tele-
graph and
telephone
lines.

RHODE ISLAND.

PUBLIC STATUTES, 1882—Continued.

TITLE XXX.—OF CRIMES AND PUNISHMENT.

CHAPTER 242.

OF OFFENCES AGAINST PRIVATE PROPERTY.

Every person who shall surreptitiously obtain or attempt to obtain the contents of any private telegraphic message, and every employee of any telegraph company, who shall disclose the contents or purport of any private telegraphic message to a person not authorized to receive the same, shall be fined not exceeding one thousand dollars.

SEC. 39.
Surreptitiously
obtaining,
etc., contents
of telegram,
how.

No person shall place any telegraph or telephone lines or poles, or any fixtures appertaining thereto, upon any private property without the consent of the owners thereof.

SEC. 48.
Telegraph, etc.:
lines, etc.: not
to be placed
on private
property,
when.

No person shall labor upon the work of erecting or repairing any telegraph or telephone line belonging to any telegraph or telephone company without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the owners thereof by whom he is employed, and a number by which he can be readily identified.

SEC. 49.
Employees of
telegraph
companies to
wear badges,
etc.,

Every person who shall violate any of the provisions of the preceding two sections shall be fined not exceeding twenty dollars or be imprisoned not exceeding three months.

SEC. 50.
Penalty for
violation of
last two sec-
tions.

SOUTH CAROLINA.

GENERAL STATUTES, 1882.

PART I. OF THE INTERNAL ADMINISTRATION OF THE
GOVERNMENT.

TITLE III.

CHAPTER XI.

OF THE ASSESSMENT AND TAXATION OF PROPERTY.

Sec. 179.

Railroads and
other com-
panies of a
like character

The road bed, right of way, station buildings, toll houses, structures, tools, machinery, poles, wires fixtures, vessels and real estate owned and necessarily in daily use by any * * * * * telegraph company * * * in the prosecution of its business, shall for the purpose of this Chapter, if the company be organized in this State, be treated as personal property. But the lien for the taxes shall attach to the property as if the same were real property, and the president, secretary, or principal accounting officer thereof shall include the value thereof, in the return of the other personal assets of such company for taxation; which return shall be made in the month of June or before the twentieth of July, annually, to the several auditors of the counties in which such telegraph line may be situated, according to the value of such property in each, together with a statement of the amount of such assets situate in each city, town, village, or ward in said counties, respectively, and the value of the movable assets of such company shall be apportioned to each town, city, ward, or village, in proportion to the value of the telegraph line in each.

SOUTH CAROLINA.

GENERAL STATUTES, 1882—Continued.

TITLE III.

CHAPTER XI.

Any person or persons, company or corporations engaged in the business of conveying to, from, or through the State or any part thereof, moneys and other personal property, shall be held to be an express company, and any person or persons, company or corporation engaged in the business of transmitting messages to, from or through this State, or any part thereof, shall be held to be a telegraph company, and any such company having its principal office out of this State, shall annually, in the month of June or before the twentieth day of July, by its principal agent in this State, make out and deliver to the Comptroller General a statement under oath, showing the value of all its personal property in this State, including poles, wires, batteries, machinery, materials, and apparatus, and the counties, cities, towns and incorporated villages, in which the same may be situate, together with the gross earnings of said company in this State, for business done in this State for the year ending the first day of that month, and the company's proportion of receipts for business done in connection with the lines of other companies out of this State, and which statement shall show the value of said property and receipts in each county, town, city and incorporated village, in which such company has an agency or agencies, and from which aggregate shall be deducted, by any such telegraph company the expenses of the office in this State to which all other agencies of the company in this State are required to make returns, except rents and officers' salaries; and which statement

Sec. 180.
Express and
telegraph
companies.

shall also show the aggregate value of the property and receipts aforesaid, after making the deduction aforesaid, in each county, city, town and incorporated village in which such company may have an agency or agencies, and said company, by its principal agent, shall also, between the first of June and twentieth of July, annually, deliver to the auditor of each county in this State in whose county such company may have an agency or agencies, a statement of the proportion of the net value of the property and receipts aforesaid, showing the amount thereof in each town, city and incorporated village in which it has any agency or agencies, and said company shall be charged on the duplicate of each of said counties with taxes on the amount so returned in each town, city and village aforesaid.

* * * *

SEC. 190.
Penalty for failure.

SEC. 190. If any telegraph company shall fail to make and deliver to the Comptroller-General the statement required in this chapter, on or before the twentieth day of July, annually, such company shall forfeit and pay to the State of South Carolina five hundred dollars as a penalty, and the Comptroller-General shall certify the fact of such failure to the auditor of any county in this State in which said company may have an office or an agent, the said auditor shall place the same in the duplicate of said county; and if any telegraph company shall fail to make to the auditor of any county in this State the statement required by this chapter, on or before the twentieth day of July of any year, such county auditor shall notify the Comptroller-General thereof; and if the Comptroller-General shall have received from said company the statement required to be made to him by said company, he shall certify the amount returned as in said county to such county auditor, and add thereto, as penalty, the sum of ten dollars, which shall be charged to said company on the duplicate of said county, collected and paid over to the State Treasurer, in the same manner herein provided as to the penalty for not making the return to the Comptroller-General: Pro-

vided, that if any telegraph company shall fail to return the statement required by this chapter to the Comptroller-General, and the Comptroller-General shall certify such failure to any county auditor, such county auditor shall proceed to ascertain gross receipts of each agent of said company in his county, for the year ending the first day of June of that year, together with the value of all other property of the company in his county, and fifty per cent. thereto as penalty, and charge the company with taxes thereon at the several localities required by this chapter, without any deduction for expenses paid out by the company. And if any such company shall have no principal office or agency in this State to which the other agents in the State are required to make returns, each agent thereof, in any county, shall make return in the month of June or before the twentieth of July, annually, of the gross receipts of his agency for the year ending the first day of that month, with the value of all other property of the company in the city, village or town in which his agency is situate, and the county auditor shall charge such company with taxes thereon at the same rates as other property in the same localities, and if such agent or agents refuse or neglect to make such returns, the county auditor shall ascertain the amount of such gross receipts and value of property, add fifty per cent. thereto as penalty, and charge such company with taxes thereon at the same rates charged other property, at the several localities where such property may be situate and such agencies located.

All returns required to be made by telegraph companies having their principal offices out of this State, shall be made in such form as the Comptroller-General shall prescribe, and the Comptroller-General is authorized to require answers under oath, to any questions he may put to the principal or any other agent of any of said companies in this State, and to examine any of such agents under oath relative to the property and affairs of such companies, and the management thereof,

SEC. 191.
Returns, how
made.

which oath he may administer; and if any such agent shall refuse to submit to such examination, or refuse or neglect to answer any such questions, he shall be deemed guilty of contempt of the Comptroller-General, and the Comptroller-General may certify the fact to the Court of General Sessions, and upon hearing and conviction, such agent shall be fined by said Court in any sum not exceeding five hundred dollars and costs, and be confined in the jail of the county where tried, until such fine shall be paid and answers be given to all such questions as the Comptroller-General may propound to him.

SOUTH CAROLINA.

GENERAL STATUTES 1882.

PART IV., OF CRIMES, ETC.

TITLE I.—OF CRIMES AND PUNISHMENTS.

CHAPTER CI.

OF OFFENCES AGAINST PROPERTY.

SEC. 2534.

Injury to tele-
graph poles,
etc.

Any person who shall wilfully or unlawfully injure, damage, or destroy any [pole or wire of any telegraph, telephone, or electric light company in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both, in the discretion of the Court or a trial Justice.

SOUTH CAROLINA.

CHAPTER CV.

OF OFFENCES AGAINST THE PUBLIC PEACE.

Of Insurrection and Rebellion.

The Governor of the State, when in his judgment the public safety may require it, is hereby authorized to take possession of any or all of the telegraph lines in the State, their offices and appurtenances; to take possession of any or all railroad lines in the State, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using and maintaining of the aforesaid telegraph and railroad lines in the manner most conducive to the interest and safety of the Government; to place under military control all the officers, agents and employees belonging to the telegraph and railroad lines thus taken possession of, so that they shall be considered a part of the military establishment of the State, subject to all the restrictions imposed by the rules and articles of war.

SEC. 2583.
Governor to
take possession
of tele-
graphs, etc.,
when.

SOUTH CAROLINA.

CODE OF CIVIL PROCEDURE, 1881-2.

PART II.—OF CIVIL ACTIONS.

Title 5.—Manner of Commencing Civil Actions.

The summons shall be served by delivering a copy thereof as follows:

1. If the suit be against a corporation, to the presi- SEC. 152.

Summons, how
served.

dent or other head of the corporation, secretary, cashier, treasurer, a director, or managing agent thereof; but such service can be made in respect to a foreign corporation only when it has property within this State, or the cause of action arose therein, or where such service shall be made within this State personally, upon the president, cashier, treasurer, attorney or secretary thereof. Provided, that the service of any legal process upon any agent of any railroad, telegraph, insurance or express company within the limits of this State, shall be taken and held to be a valid service upon such corporations.

LAWS OF TEXAS.

PASCHAL'S ANNOTATED DIGEST.

If any person shall intentionally break, cut, pull or tear down, misplace, or in any other manner injure any telegraph wire, post, machinery or other necessary appurtenance to any telegraph line, or in any way wilfully obstruct or interfere with the transmission of messages along such telegraph line, he shall be punished by confinement in the penitentiary for a term not exceeding five years, or by fine not less than one hundred nor more than two thousand dollars.

NOTE.—The above is the only law found in the Digest relating to Telegraph Companies in Texas.

LAWS OF TENNESSEE.

SEC. 4655. * * * SUB. SEC. 6.

To willfully cut, burn, or in any way break down, injure or destroy any telegraph post, wires or other apparatus thereto belonging, shall be punished by a fine of not less than ten dollars.

UTAH.

COMPILED LA WS 1886.

TITLE XI.

OF CORPORATIONS OTHER THAN MUNICIPAL.

CHAPTER I.

OF TELEGRAPH COMPANIES.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That any number of persons not less than three, two-thirds of whom must be residents of this Territory, may associate and form a company for the purpose of constructing, owning, holding and working a line or lines of telegraph in this Territory, upon the terms and conditions and subject to the liabilities prescribed in this act.

SEC. 1.
How and upon what conditions telegraph companies may be organized.

Such persons under their hands shall make a certificate which shall specify:

SEC. 2.
Certificate of organization what to specify.

1st. The Corporate name of the company.

2d. The general route of the principal line or lines of telegraph, designating the principal points to be connected thereby.

3d. The amount of the capital stock of the company of the number of shares into which the same shall be divided.

4th. The names and places of residence of the principal shareholders and the number of shares subscribed for by each.

5th. The period of the existence of said company not to exceed fifty years. Which certificate shall be proved

Where to be
filed. or acknowledged and filed in the office of the county Clerk of the county in which one of the principal offices of said company shall be established, and a copy or duplicate thereof filed in the office of the Secretary of State.

SEC. 3. Company to be incorporated ; copy certificate to be evidence.

SEC. 4. Powers of company. Such company shall have power to purchase, take, receive, hold, use and vend to others to be used, any patent or patents for telegraphing, and any and all rights thereunder ; to purchase, take, receive, hold and maintain any and all rights, privileges and franchises relating to the business of telegraphing.

SEC. 5. Where authorized to construct lines of telegraph. Such company is authorized to construct lines of telegraph along and upon any road or highway or across any of the waters or over any lands within the limits of this Territory.

Provided the same shall not be so constructed as to incommode the public use of said road or highway or injuriously interrupt the navigation of said waters.

SEC. 6. Commissioners to assess damages ; oath of ; compensation.

SEC. 7. May lease, sell and convey their franchise and property.

SEC. 8. Limitation on former sections. This act shall not be construed to limit or impair any rights of the California State Telegraph Company.

An Act for the regulation of the telegraph and to secure secrecy and fidelity in the transmission of telegraphic messages.

Approved January 16, 1863.

SEC. 10. Operators and persons in employ of telegraph companies exempt from military and jury duty.

SEC. 11. Contracts made by telegraph deemed contracts in writing.

SEC. 12. Notice may be given by telegraph. Proviso : such notice deemed actual notice.

Contents of instruments in writing may be sent by SEC. 13.
telegraph; force and effect of.

Checks, &c., may be made or drawn by telegraph; SEC. 14.
force and effect of; when genuineness of denied on oath
party claiming under it to prove original; original mes-
sage to be preserved.

Contents of instruments sent by telegraph may be SEC. 15.
prima facie evidence.

Contents of warrants of arrest may be sent by tele- SEC. 16.
graph; authority of officers to make arrests on receipt
of telegraph copy; original warrant and order to be
preserved.

Writ or order in civil cases may be transmitted by SEC. 17.
telegraph; original or certified copy may be used by
operator.

Whenever any document to be sent by telegraph, SEC. 18.
bears a seal, either private or official, it shall not be
necessary for the operator in sending the same to tele- When docu-
ment bears
seal.
graph a description of the seal.

Company may have a distinguishing mark in their SEC. 19.
business.

It shall be the duty of any telegraph company doing SEC. 20.
business in this territory to transmit all dispatches in
the order in which they are received, under the penalty
of one hundred dollars; provided, that communications
to and from public officers on official business may have
precedence over all other communications. And pro-
vided, also, that intelligence of general and public in- Messages must
be sent in the
order in which
they are re-
ceived.
terest may be transmitted for publication out of its
order. Proviso as to
public busi-
ness.

UTAH.*L A W S O F 1878.***CHAPTER V.****ARREST BY WHOM AND HOW MADE.**

SEC. 88. Any magistrate may by an indorsement under his hand upon a warrant of arrest, authorize the service thereof by telegraph.

SEC. 89. Every officer causing telegraphic copies of warrants to be sent, must certify as correct.

UTAH.*L A W S O F 1880.***CHAPTER XVII.****OF COMPILED LAWS.**

An Act amendatory of and supplemental to Chapter IV, Title XI, Compiled Laws of Utah.

SEC. 8. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah. That Sec. 531 (of the Compiled Laws of Utah) is hereby amended by adding thereto the following : And in case of telegraph corporations and corporations proposing to do business outside of this territory, a certified copy of said agreement and oath or affirmation, and of the certificate of incorporation provided for in section 533, shall also be filed with the secretary of the territory. All other corporations may so file their articles and certificate of incorporation, if they so elect.

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UTAH.

L A W S O F 1880.

CHAPTER XXIX.

HIGHWAYS.

An Act Pertaining to Highways.

Every * * telegraph * * corporation has the sec. 9.
right of way through the public ways and squares in
any city, village or town, with the consent of the au-
thorities thereof and under reasonable regulations.

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Utah,

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incorporation,

LAWS OF VERMONT.

GENERAL STATUTES OF 1863.

CHAPTER 88, P. 560.

SECTION 1. The "Troy and Canada Junction Telegraph Company," or any other persons now or hereafter to be associated together for the purpose of erecting a line of telegraphic wires for the purpose of making telegraphic communications through this State or any part thereof, may set, erect and maintain the posts and other necessary fixtures therefor, as is customary in such cases, or requisite to the proper construction, safety and maintenance of such telegraph, in and along the sides of any public highway or road in this State, provided that the same be done in a manner not to interfere with the public convenience in traveling along such highway, or in duly repairing the same.

SECTION 2. If in any case it shall be found inconvenient or inexpedient to erect such telegraph in a manner conformable to section one of this chapter, the selectmen in the town where such difficulty shall arise shall determine on application where, and in what manner, such difficulties or obstructions shall be obviated or removed, giving notice to the parties in interest, or their agents, and shall certify their decision and cause the same to be recorded in the Town Clerk's office in such town.

SECTION 3. If it shall be found necessary or expedient to erect such line of telegraph in and along the streets of any village, or in front of, and near the residences of any persons, and such persons shall deem the same to be inconvenient or objectionable, such persons may apply to the selectmen of such town, or mayor of any

city, or principal officers of any incorporated village, as the case may be, who shall determine through what street or streets the same shall so pass, or in what manner, if at all, such inconvenience or objection may be obviated so as to avoid the same; and such decision shall be final, due notice being given as required in the second section of this chapter.

SECTION 4. Whenever the selectmen or other officers as aforesaid shall be called upon to act in pursuance of this chapter they shall be paid at the rate of one dollar each per day; and their decision, or that of a majority of them, shall be final in the premises; and all expenses incurred thereby shall be paid by such persons so erecting such telegraph.

SECTION 5. Whenever in the erection of said line of telegraph the owner or occupant of any lands or tenements shall have sustained, or be likely to sustain, any damages in consequence of such erections for such line, the selectmen of the town, or mayor of any city in which such lands or tenements shall be situated shall examine and appraise such damage, and the same shall be made, and the decision and appraisal of such selectmen or mayor shall be final, due notice being given as required in the second section of this chapter.

SECTION 6. If any person shall in anywise wilfully or intentionally cut, break, injure, or despoil any such telegraphic wire or post, or other fixture, so erected within this State, so as to directly or indirectly interrupt or impede the transmission of intelligence by said telegraph by means of cutting, breaking, or in any manner injuring such wire, post, or fixture, as aforesaid, or by wilfully interposing any other thing or material, or doing any act that shall hinder, divert, impede or interrupt the free passage of the galvanic fluid or influence along said line or prevent the transmission of intelligence along the same, or do any act to impair the value, safety or security of the same, each and every person so offending, or aiding and assisting in such offence, shall forfeit the sum

of one hundred dollars, to be recovered by an action of debt founded on this chapter, in the name of the Superintendent of such line of telegraph for the time being, in any Court proper to try the same, for the use and benefit of the owner or owners of such telegraph ; and shall also be liable to be tried and punished by fine and imprisonment, as is provided by law in other cases of malicious acts.

SECTION 7. It shall be lawful for any legally incorporated telegraph company in this State to erect and maintain their telegraph line, or any part thereof, along the sides of railroad tracks, within the limits of lands owned or held by any railroad corporation, license therefor being first had of such railroad corporation by vote of their board of directors, or with the consent of the Superintendent of such railroad corporation.

SECTION 8. Such telegraph line so erected by such telegraph company, shall, notwithstanding such location, be and remain the property of such telegraph company, and shall not be deemed to pass by any sale, transfer, or mortgage which such railroad corporation have already made or shall hereafter make of the lands in and upon which such telegraphic line has been or shall hereafter be erected ; nor shall such line be liable to attachment or levy of execution against such railroad corporation.

SECTION 9. No enjoyment by any persons or corporation, for any length of time, of the privilege of having and maintaining telegraph posts, wires or apparatus in, upon, over, or attached to any building or lands of other persons, shall be deemed to give a legal right to the continued enjoyment of such easement, or raise any presumption of a grant thereof.

VERMONT.

REVISED LAWS OF 1880.

TITLE 27. INSURANCE, TELEGRAPH, AND OTHER COMPANIES.

CHAPTER 163.

TELEGRAPH AND EXPRESS COMPANIES.

Whenever any persons or corporations are about to erect a line of telegraph or telephone wires, in and along a highway within any town, city or incorporated village, in and along which a line of poles has already been erected by other persons or corporation for a similar purpose, the selectmen of such town, or principal officers of such city or village, shall have the right to permit, and may require the persons or corporation about to erect a new line, to attach their wires to the poles already standing, as provided in the following section :

Sec. 3645.
Poles of old line along highway may be used for wires of new line.

Said selectmen or principal officers shall ascertain as near as may be, the original cost of erecting such line of poles, and shall direct such persons or corporation as may require to use said poles, to pay to the owners of the line already erected a fair proportion of such expense, not to exceed one-half the estimates of original cost of construction ; and in no case shall said poles be used, until the owners of the new line shall tender to the original owners of said line of poles, the amount so directed by said officers. And if a pole or poles used by two or more persons or corporations, shall be required to be repaired or removed, the expense thereof shall be borne equally by the persons or corporations using the same.

Sec. 3646.
Officers to direct new line to pay part of cost repairs.

Said officers shall give written notice to the proprietors of both the old and new lines, of all their requirements in the premises, and shall also lodge a copy of

Sec. 3647.
Officers to give notice and lodge copy.

said notice in the town or city Clerk's office, as the case may be.

SEC. 3648.

Owners' right
to move poles,
restricted ac-
tion giving.

The proprietors of any such line of poles, so required to be used by any other person or corporation, shall not take down or alter the position of such poles, without obtaining permission of all parties who may have acquired a right to use said poles, or the permission of the town, city or village officers aforesaid; and any person or corporation injured by the violation of this section, may maintain an action on the case, founded on this statute, to recover the amount of such injury.

SEC. 3649.

Majority of
board to di-
rect fees and
expenses.

The selectmen or other officers shall receive one dollar each a day, for their services under sections two and three (§§. 3646, 3647); and the decision of a majority of them shall be final. All expenses incurred, shall be paid by the persons or corporation erecting such new line.

[TRANSFER MADE WITHOUT EXTRA CHARGE].

SEC. 3660.

Transfer of
messages to
another line
regulated.

Any telegraph company receiving a message, directed to any person off from said company's line, shall, if such person resides on the line of any other telegraph company, transfer such message to said other company's line, to be by them transmitted to the place of destination.

Provided both of said companies have an office in the same village or city in this State. No extra charge shall be made for said transfer, within the usual limits of delivering messages in said city or village, and the company receiving the same shall make no extra charge for any additional date, construed by them to be necessary because of said transfer.

SEC. 3661.

Penalty for
violating 3660

Any operator or employee of any telegraph company refusing or neglecting to comply with the provisions of this act (§§ 3660, 3661), shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

TAXATION OF TELEGRAPH COMPANIES.

The secretary, treasurer, superintendent, manager or ^{Sec. 8663.} other proper officer of each telegraph company doing ^{Gross receipts in this State taxed, return penalty for not making.} business in this State, shall within the first ten days of July of each year, make out and deliver to the treasurer of the State, a statement in writing, under oath, signed by such officers, of the gross amount of receipts for telegraph messages, at each of its offices, or places of doing business, and there is assessed upon each of said companies a special tax of two per cent. of the gross amount of all such receipts for telegraphic messages paid to it during the year preceding the first day of July of each year, to be paid annually by said company to the State treasurer, on or before the first day of August of each of said years; which sum shall be in lieu of all other taxes upon its lines and personal estate used exclusively in telegraphic business in this State; but when any such company shall fail to make the said returns to the State treasurer, on or before the day named in this section for so doing, the said company shall forfeit and pay to the State in lieu of said tax, the sum of five thousand dollars and cost of suit, to be recovered in an action of debt in the name of the State against such telegraph company, in the County Court in any county in this State through which its line passes.

VERMONT.

PUBLIC ACTS OF 1882.

No. 74.

An Act fixing the Compensation to be allowed Telegraph Companies for the use of their Poles for the support of Telephone Lines.

It is hereby enacted by the General Assembly of the State of Vermont:

Persons desiring to attach a telephone line to the ^{Sec. 1.}

Parties may poles maintained by a telegraph company, may apply
 petition coun- by petition in writing, to the County Court of the
 ty court to ap- county in which or partly in which the lines of poles to
 point com- which it is desired to attach such wires is situated, stat-
 missioners, ing that they wish to attach a line of wires to such
 their duties, poles. The Court so petitioned to shall appoint
 liabilities of three disinterested persons, as commissioners, who shall
 petitioners. make examination and determine whether such line can
 be so attached without injury to the company owning
 the poles, and if they are of opinion that they can be so
 attached, shall so report to the Court, and shall also re-
 port, what, in their opinion, would be a fair annual
 compensation to be paid by the persons desiring to at-
 tach such telephone lines for the use of such poles.
 The Court may establish such report, or they may re-
 ject the same and appoint new commissioners to re-ex-
 amine and report.

If a report is finally established, recommending that
 the telegraph company allow the use of its poles for a
 compensation specified in such report, such company
 shall so allow the use of their poles on tender of such
 compensation, and if they hinder or obstruct persons so
 authorized to attach their lines thereto, may be pro-
 ceeded against by the Court establishing the report as
 for contempt.

SEC. 2.
 Petition, how
 served.

The petition with a citation for that purpose, shall be
 served on such telegraph company at least twenty days
 before the sitting of the Court, to which such petition is
 preferred.

SEC. 3.
 Duties of peti-
 tioner on af-
 fixing wires.

Such telephone wires when affixed to the poles of a
 telegraph company, under the provisions of the preced-
 ing section, shall be put up in such a manner as not to
 interfere with wires already affixed to such poles.

SEC. 4.
 To take effect.

This act shall take effect from its passage.
 Approved November 29, 1882.

VERMONT.

PUBLIC ACTS OF 1882—Continued.

NO. 75.

An Act relating to Telegraph and Telephone Poles, in Incorporated Villages and Cities.

It is hereby enacted by the General Assembly of the State of Vermont :

All telegraph or telephone companies, or associations, and all persons owning or managing a telegraph or telephone line, shall cause the telegraph or telephone poles now or hereafter erected in any highway within the limits of any incorporated village or city in this State, to be suitably painted to the satisfaction of the trustees of such village or aldermen of such city, and shall substitute straight poles in place of all crooked poles now or hereafter erected.

Sec. 1.
Telegraph and telephone poles in incorporated villages and cities to be straight and painted white.

Any telegraph or telephone company, or association, or persons owning or managing a telegraph or telephone line, which shall after twenty days' notice, in writing, given by any trustee or alderman, neglect or refuse to paint such telegraph or telephone poles, or to substitute straight poles in place of crooked poles, as provided in section one of this act, shall forfeit the sum of one hundred dollars to such village or city, to be recovered in an action of debt on this statute; and said trustees or aldermen in such case, may also cause such poles to be painted, and may substitute straight poles for crooked poles, as provided in section one of this act, and may also recover the expense of so doing in an action brought in the name of such village or city against the owners of such telegraph or telephone line.

Sec. 2.
Penalty for neglect or refusal to comply with the provisions of section one, how recovered, duties of trustees and aldermen.

Whoever shall post or paint any sign, or advertise—

Sec. 3.

Penalty for painting or posting sign on telegraph or telephone poles. ment, or notice on any telegraph or telephone pole, shall forfeit five dollars to the village or city in which such pole is situated.

Sec. 4. Justices of the peace shall have jurisdiction of all offenses under this act.

Approved November 29, 1882.

LAWS OF VIRGINIA.

CODE 1873.

CHAPTER 65.

The inventors of any system of telegraph or their assigns, upon producing proof of such invention or assignment to the Board of Public Works, and obtaining its assent, may construct and maintain such telegraph along any of the State or county roads or works, and over the waters of the State, provided the ordinary use of such roads, works and waters be not thereby obstructed, and along the streets of any town, with the consent of the council or trustees thereof, and upon the land of any incorporated company, with the consent of such company; and may make reasonable charges on messages or intelligence transmitted by such telegraph.

It shall be the duty of every telegraph company SEC. 2. doing business in the State to receive dispatches from and for other telegraph companies or lines, and from and for any persons; and upon payment of the usual charges therefor, according to the regulations of the company, to transmit the same faithfully and impartially, and as promptly as practicable, and in the order of delivery to the said company. For every failure to transmit a dispatch faithfully and impartially, and for every failure to transmit a dispatch as promptly as practicable, or in the order of its delivery to the company, the company shall forfeit the sum of one hundred dollars to the person sending or wishing to send such dispatch, and shall, moreover, be liable to an action for damages by any party aggrieved.

But nothing herein shall prevent any such company from giving preference to dispatches on official business, from or to officers of the United States or State of Vir-

gina, or from making arrangements with proprietors or publishers of newspapers for the transmission to them for publication of intelligence of general and public interest, out of its regular order.

SEC. 3.

It shall be the duty of every telegraph company, upon the arrival of a dispatch at the point to which it is to be transmitted by said company, to deliver it promptly to the person to whom it is addressed, when the regulations of the company require such delivery, or to forward it promptly as directed when the same is to be presented.

For every failure to deliver or forward a dispatch as promptly as practicable, the company shall forfeit one hundred dollars to the person sending the dispatch, or to the person to whom it was addressed, and shall, moreover, be liable to an action for damages by any party aggrieved.

SEC. 4.

Every person, firm, association or company doing the business of telegraphing for the public, shall be liable as a telegraph company to the provision of this act.

SEC. 5.

The Legislature reserves the power of amending, altering or repealing the act passed the twenty-ninth of March, eighteen hundred and forty-seven, to facilitate the construction of an electric telegraph on the Great Northern and Southern Mail Route, or of altering or modifying any rights or privileges acquired under this chapter, or under the forty-second section of the sixty-first chapter.

SEC. 6.

The proprietors of each line of telegraph in this State shall annually, on or before the first of October, make a report to the Board of Public Works for the year ending the next preceding thirtieth day of September, showing, in such way as the Board may prescribe, the amount of capital invested within this State on their line, how much thereof was received by the patentees or inventors, and how much is held by others; the amount per share of the stock, the expenses of construction and maintaining the line, the gross and net profits to such line, and the regulations adopted to en-

sure the faithful discharge of the duties of the said proprietors. If they fail to make such report they shall forfeit five hundred dollars, and the like forfeiture shall be incurred for each succeeding month that such failure shall continue.

Every telegraph company doing business in this State shall, on or before the first day of February of each year, make report, verified by the oath of the chief officer resident in the State, to the Auditor of Public Accounts, of the gross and net earnings of such company within the twelve months next preceding such report, on all business conducted, carried on, or performed by such company within the State. Such company shall also report on oath, on or before the first day of February, the value of all real and personal property owned by said company within the State. Every such company shall be the collector for the State of the taxes which may be imposed on the gross and net earnings and property of the same; and shall, at the time fixed for making said reports, pay into the Treasury the taxes which may be prescribed. If such company fail to make such return or pay such tax, it shall be liable to a fine of not less than five hundred nor more than two thousand dollars, which may be recoverable in the Circuit Court of the City of Richmond, on motion, after twenty days' notice, by the Auditor of Public Accounts. Such notice to be served in the manner prescribed by law in other cases.

No telegraph company, nor agent or officer of such company, nor any persons operating the apparatus necessary to communications over the wires of such company, or person, without a license, authorized by law, if the business be conducted by an incorporated company, the license shall be to the company, which company may employ agents without a license being required of such agents. If the business be conducted by any person, firm or company, not incorporated, the license shall issue to such person, firm or company, when a license shall have issued, messages or communication may be

transmitted through any county or corporation in this State. One license for the same company shall be sufficient, and this section shall not be construed to require a license for each office of the same company. Any person violating the provisions of this section shall pay a fine of not less than one hundred dollars, nor more than five hundred dollars for each offence.

VIRGINIA.

An Act to amend the Laws of the State of Virginia, relating to the Erection of Telegraph Lines.

Approved Feb. 10th, 1880.

Be it enacted by the General Assembly of Virginia. That Section one of Chapter sixty-five of the Code of eighteen hundred and seventy-three, be amended and re-enacted, so as to read as follows:

1. That inventors of any system of telephone or telegraph, or their assigns, upon producing proof of such invention or assignment to the Board of Public Works, and obtaining its assent, any telephone or telegraph company chartered by this or any other State, or by an Act of Congress of the United States, may construct and maintain such telephone or telegraph along any of the State or county roads or public works, and over the waters of the State, *and along and parallel to any of the railroads in this State*, provided the ordinary use of such roads, works, railroads and waters be not thereby obstructed, and along the streets of any city or town, with the consent of the council or trustees thereof, and such companies *shall be entitled to the right of way over the lands, privileges and easements of other persons and corporations, and the right to erect poles, piers and abutments necessary for constructing, working, and maintaining their lines, upon making just compensation therefor*; that when such telephone or

telegraph company shall fail in application therefor, to secure by contract or agreement such right of way, for the purposes aforesaid, over the lands, privileges or easements of another person or corporation, commissioners shall be appointed, and shall act with the powers as provided in Sections seventeen, eighteen, nineteen and twenty, of Chapter fifty-six of the Code of eighteen hundred and seventy-three, which said sections are hereby made applicable to this Act, and the term "land" in said Section of said Chapter fifty-six, of said Code of eighteen hundred and seventy-three, shall be held to embrace and include an interest, use, privilege or easement in or over land; and such persons or companies may make reasonable charges on messages or intelligence transmitted by such telephone or telegraph. But no company, operating under the provisions of this Act, shall have the power to contract with any owner of land or any other corporation for the right to erect and maintain a telephone or telegraph over his or its land, privileges or easements, to the exclusion of the lines of other companies operating under the provisions of this Act.

2. This Act shall be in force from its passage.

[CERTIFICATE.]

OFFICE KEEPER OF THE ROLLS OF VIRGINIA:

I, P. H. McCaull, Clerk of the House of Delegates and Keeper of the Rolls of Virginia, do hereby certify that the foregoing Act of Assembly, passed by the General Assembly of Virginia, entitled an Act "To amend and re-enact Section 1, Chapter 65, of the Code of 1873, in relation to Telegraph Companies," is a true copy from the Rolls in my office. Given under my hand, at my office, at the City of Richmond, State of Virginia, this the 14th day of February, 1880.

P. H. McCAULL, *Clerk.*

HOUSE OF DELEGATES & KEEPER OF ROLLS OF VIRGINIA.
COMMONWEALTH OF VIRGINIA.

I, Fred. W. M. Holiday, Governor of the Commonwealth of Virginia, certify that P. H. McCaull, whose name is signed in the within copy of an Act, bearing date the 14th day of February, 1880, is, and was at the time of signing, Clerk of the House of Delegates and Keeper of the Rolls of Virginia, duly elected and qualified; that he is authorized by the laws of this State to make and sign such copies of Acts, and that to all his official acts, full faith, credit, and authority are due and ought to be given.

In testimony whereof, I have hereunto set my hand as Governor, and caused the Great Seal of the State to be affixed. Done at the City of Richmond, this fourteenth day of February, A. D. 1880, and in the one hundred and fourth year of the Commonwealth.

The
Great Seal
of the
State of
Virginia.

FRED. W. M. HOLLIDAY,
Governor.

By the Governor.

T. T. FAUNTELROY,
Sec'y Com. and Keeper of the Seals.

VIRGINIA.

ACTS OF ASSEMBLY, 1881-82.

CHAPTER 162.

An Act to tax telegraph companies for county and school purposes.

Be it enacted by the General Assembly, that it shall

be lawful, and authority is hereby given to the supervisors of a county, to levy a tax on the real and personal property of telegraph companies, whose lines pass through such counties. Such tax shall be the same as that imposed upon other property for county and school purposes, and based upon certified extracts, which the auditor of public accounts is hereby directed to furnish to the supervisors of the counties severally interested, from the reports and assessments of the property of telegraph companies on file in his office.

Board of supervisors authorized to tax telegraph lines, etc., for county purposes.

All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 2.
Commencement

This act shall be in force from its passage.

VIRGINIA.
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WASHINGTON.

CODE AND APPENDIX, 1881.

CHAPTER CLXXVI.

TELEGRAPHIC MESSAGES.

- SEC. 2312. Divulging telegram or altering same proviso, punishable.
- SEC. 2313. Sending or delivering false or forged message, with intent to deceive, punishable.
- SEC. 2314. Using information fraudulently obtained, a misdemeanor.
- SEC. 2315. For neglecting or refusing to transmit or deliver message.
- SEC. 2316. Penalty for other than telegraph employees opening sealed letters.
- SEC. 2317. Penalty for clandestinely obtaining purport of message.
- SEC. 2318. Bribery of agent or employee of telegraph company, punishable.
- SEC. 2319. Penalty for malicious destruction of poles, wires, insulators, &c., or delaying messages.
- SEC. 2350. In addition to penalties, action for damages given.
- SEC. 2351. Employees exempt from military and jury service.
- SEC. 2352. Contracts by telegraph deemed to be in writing.
- SEC. 2353. Notices by telegraph, if received, deemed actual notice.
- SEC. 2354. Powers of attorney may be sent by telegraph with full force and effect to be of *prima facie* evidence and may be admitted to record.
- SEC. 2355. Of checks, due bills, notes, &c., drawn by telegraph.
- SEC. 2356. Of writing under seal and acknowledged.
- SEC. 2357. Warrant, &c., for arrest of criminals.
- SEC. 2358. Of service by in civil suits and proceedings.
- SEC. 2360. Stamp, seal or device of company in this Territory, may be filed with secretary, and become sole property of the company.
- SEC. 2361. Order of transmission of dispatches, in the order received.

LAWS OF WEST VIRGINIA.

CODE 1868.

CHAPTER 34.

OF INSURANCE, TELEGRAPH AND EXPRESS COMPANIES.

* * *

7. Every ** telegraph * company doing business in this State or the agent or agents thereof shall semi-annually make returns to the Auditor as follows: Provided, That where there are several agents, of any such company in this State, the returns may be made by any one of them on behalf of all.

* * *

9. If the returns be made on behalf of a telegraph company they shall show the gross receipts of all dispatches or messages sent and received by such company within this State, during the period to which such returns relate.

* * *

11. The said returns shall be made within twenty-one days after the first day of February and August in every year, and shall include the business of the six months preceding the first day of February or August, and any business omitted in a former period. The amount only may be stated in the returns without the particulars, unless a more specific return be required by the Auditor. The returns so made shall be verified by the affidavit of the officer or agent making the same.

13. At the time of making such returns by any * * * telegraph * company, the officer or agent making the same shall pay into the Treasury of the State a tax of four per cent. on the gross amount of the receipts for dispatches and messages stated in the said return.

15. Every * * * telegraph * company doing busi-

ness in this State shall by power of attorney duly acknowledged and authenticated and filed by the company in the office of the Auditor, appoint some person residing in this State to accept service of process and notices in this State for the said company; and by the same instrument shall declare its consent that service of any process or notice in this State on the said attorney or his acceptance of service endorsed thereon shall have the same effect as service thereof upon the company, and thereafter such acceptance by the said attorney or service upon him, shall be equivalent for all purposes to service on his principal.

* * *

16. As long as any liability of the company in this State remains unsatisfied no revocation of any such power of attorney shall be of any effect, until after a like power to some other person residing in this State has been filed by the said company in the office of the Auditor, and when any such attorney dies or resigns, the company shall immediately make a new appointment and file the evidence thereof as aforesaid until all its liabilities in this State are discharged.

WEST VIRGINIA.

ACTS OF 1881.

CHAPTER 17.

TELEGRAPH LINES, ETC.

An Act to amend chapter 54 of the Code of West Virginia and to repeal chapter 68 of the Acts of 1872-3.

Any railroad company organized under this chapter
SEC. 69. may * * * * * erect and operate a telegraph line
 or lines, with the right to use, control and operate the
May erect and operate telegraph lines.

same along the line of their said road and branches, and connecting with any of their said works, offices and improvements.

WEST VIRGINIA.

ACTS OF 1882.

CHAPTER 85.

An Act to amend and re-enact chapter 34 of the Code of West Virginia, concerning insurance, telegraph and express companies.

Every insurance, telegraph or express company, having its principal place of business in this State, and incorporated by an act of the General Assembly of Virginia, passed before the twentieth day of June, one thousand eight hundred and sixty-three, or heretefore or hereafter incorporated under and pursuant to any act of the Legislature of this State, shall be deemed a domestic company, and every other insurance, telegraph or express company, a foreign company.

The property of all domestic telegraph companies shall be assessed for taxation as other property in this State. But the stock, or notes of such companies shall not be assessed; nor shall such notes or any part of them be considered a part of the indebtedness of the makers thereof in listing their property for taxation.

Every foreign telegraph company doing business in this State, or the agent or agents thereof, shall annually make returns to the auditor as follows: Provided that where there are several agents of any such company in this State, the returns may be made by any one of them in behalf of all.

If the returns be made on behalf of a telegraph com-

Sec. 1.
Domestic insurance telegraph or express company defined.

Sec. 6.
Assessment, how made of property of certain domestic companies.
Exception as to stock notes

Sec. 7.
Returns certain foreign companies required to make annually to auditor.

Sec. 9.

When on behalf of telegraph company. pany, they shall show the gross receipts for dispatches or messages sent and received by such former company within this State, during the period to which such returns relate.

SEC. 11. The said returns shall be made within twenty-one days after the first day of February in every year, and shall include the business of the twelve months preceding the first day of January in that year, and any business omitted in a former period. The amount only may be stated in the returns without the particulars, unless a more specific return be required by the auditor. The returns so made shall be verified by the affidavit of the officer or agent making the same.

SEC. 12. It shall be the duty of the auditor to cause the provisions of this chapter to be carried into effect, and he may, from time to time, prescribe such forms and regulations as are proper for that purpose. And it shall be the duty of every assessor to transmit to the auditor within the week preceding the first day of February in every year, a list of such companies or agents doing business within his assessment district as are required to make returns as aforesaid.

SEC. 13. At the time of making such return by any foreign telegraph company, the officer or agent making the same, shall pay into the treasury of the State a tax of two per cent. on the gross amount of the premiums or charges and freights, or receipts for dispatches and

What regarded in full of state tax. Receipts for same when filed. messages stated in the said return, which shall be in full of State taxes only. The company paying such taxes shall take duplicate receipts therefor, one of which shall be filed with the auditor. Should any company fail to make such payment and file such receipt, the auditor shall not issue to such company the certificate mentioned in the third section of this chapter, so long as such failure may continue.

SEC. 14. Every company or agent hereby required to make return or payment as aforesaid, who shall fail to do so or knowingly make a false return, shall forfeit not less

Penalty for failure to make true returns or pay tax.

than one hundred nor more than one thousand dollars for every such offense.

Every foreign telegraph company doing business in this State shall, by powers of attorney, duly acknowledged and authenticated and filed by the company in the office of the auditor, appoint some person residing in this State to accept service of process and notices in this State for the said company; and by the same instrument shall declare its consent that service of any process or notice in this State on the said attorney or his acceptance of service thereof upon the company, and thereafter such acceptance by the said attorney or service upon him shall be equivalent for all purposes to service upon his principal.

SEC. 15.
Duties of such foreign companies to appoint an attorney in fact in this State to accept services of process, etc.

As long as any liability of the company in this State remains unsatisfied no revocation of any such powers of attorney shall be of any effect until after a like power to some other person residing in this State has been filed by the said company in the office of the auditor. And when any such attorney dies or resigns the company shall immediately make a new appointment and file the evidence thereof as aforesaid until all its liabilities in this State are discharged.

SEC. 16.
How long such power of attorney to continue effect, etc.

A copy of any such power of attorney certified by the auditor under his hand shall be received in all Courts and places as *prima facie* evidence of the execution and contents of such instrument. The auditor may demand for such copy from the person applying therefor a fee at the rate of fifteen cents for every hundred words.

SEC. 17.
Effect of power of attorney in such case as evidence. Fee of auditor for copy of same.

All acts and parts of acts coming within the purview of this act and inconsistent therewith are hereby repealed.

Inconsistent acts repealed.

Approved March 24, 1882.

[Note by the Clerk of the House of Delegates.]

The foregoing act takes effect at the expiration of ninety days after its passage.

LAWS OF WISCONSIN.

REVISED STATUTES OF 1878.

CHAPTER 185.

P. 1076.

SECTION 4558. Any person who shall, by any device or means whatsoever, procure or attempt to procure, from any officer or other person connected with or in the business or management of any telegraph company, transacting business within this State, any knowledge of the contents or substance of any telegraph message or despatch not addressed to himself or to which he is not entitled, or who shall without lawful authority, tamper or interfere with, use, or in any manner intentionally disturb or interrupt any telegraph wires or lines of any such telegraph company, or who shall without the consent of such company send or attempt to send any message or despatch over said wires or lines, in any manner whatever, or shall intercept, interrupt, or disturb any despatch passing upon any such wires or lines, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars.

SEC. 4559. Any person having the right so to do, who shall remove or change any building or other structure or any timber, standing or fallen, to which any telegraph lines or wires are in any manner attached, or cause the same to be done, which shall destroy, disturb, or injure the wires, poles or other property of any telegraph company transacting business in this State, without first giving to such company at its office nearest to such place of injury at least twenty-four hours previ-

ous notice thereof, shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding fifty dollars.

SEC. 1778. Any corporation formed under this chapter to build and operate telegraph lines or conduct the business of telegraphing may construct and maintain any such lines, with all necessary appurtenances from point to point, upon or along or across any public road, highway or bridge, or any stream or body of water, upon the land of any owner consenting thereto, and from time to time extend the same at pleasure; and may connect and operate its lines with the lines of any person, company, or corporation without this State; and charge reasonable tolls for the transmission and delivery of messages. But no such telegraph line or any appurtenance thereto shall at any time obstruct or incommode the public use of any road, highway, bridge, stream, or body of water. Whenever the use of any such line shall be abandoned or discontinued, the proper corporation shall forthwith take down and remove all wires, posts or other articles; and on failure for three months after such abandonment or discontinuance so to do, any person owning land near, over or upon which such line shall pass may take down and remove the same or any part thereof for his own use.

WISCONSIN.

LAWS OF 1881.

CHAPTER 162.

An Act to amend Section 4558 of the Revised Statutes, entitled Telegraphs.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section four thousand five hundred and fifty-eight, of the Revised Statutes, is hereby amended so as to read as follows :

SEC. 1.
Penalty for
fraudulently
obtaining
knowledge of
telegrams,
disturbing
wires, etc. SEC. 4558. Any person who shall by any device or means whatever, procure or attempt to procure, from any officer or other person connected with or in the business or management of any telegraph company transacting business within this State, any knowledge of the contents or substance of any telegraph message or dispatch not addressed to himself, or to which he is not entitled, or who shall without lawful authority tamper or interfere with the use, or in any manner intentionally, carelessly or negligently, disturb or interrupt any telegraph wires or lines of any such telegraph company, or who shall intentionally, carelessly or negligently fell any tree or timber, so as to break, destroy or injure any such telegraph wires, without first giving twenty-four hours notice of his intention to do so, to some agent of the company at its nearest office, or to some agent of a railroad company at its nearest office, in case such wires are constructed along any railroad ; or who shall without the consent of such company, send or attempt to send any message or despatch over said wires or lines in any manner whatever, or shall intercept, interrupt or disturb any despatch passing upon any such wires or lines, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars.

This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

Published March 24, 1881.

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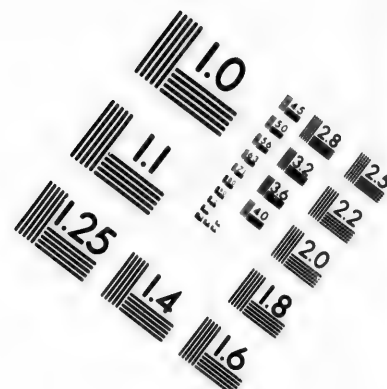
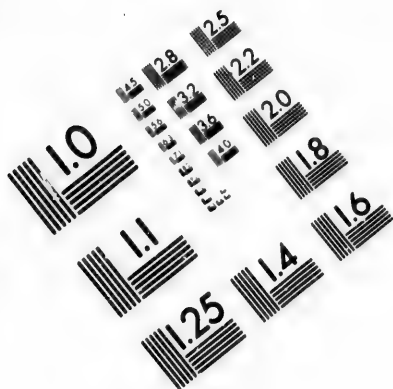
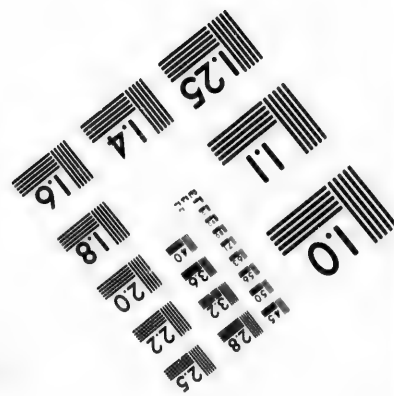
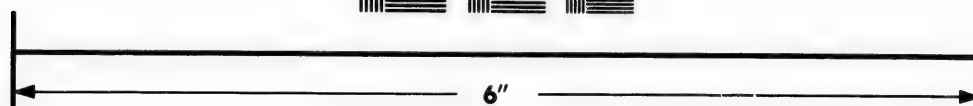
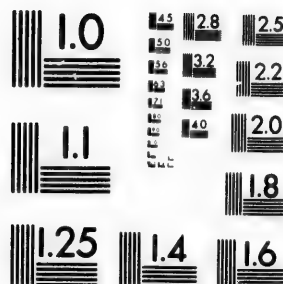


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WISCONSIN.

LAWS OF 1882.

CHAPTER 196.

An Act relating to telephone companies, and to regulate the use and rental of telephones in this State.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows :

It shall be the duty of every telephone company, or person, firm or corporation, engaged in the business of leasing telephones to the public, or supplying the public with telephones and telephone service, or operating a telephone exchange, to receive and transmit without discrimination, messages from and for any other company, person or persons, upon tender or payment of the usual or customary charges therefor; and upon payment or tender of the usual or customary charges therefor, or usual or customary rental sum, it shall be the duty of every telephone company, or persons, firm or corporation, engaged in the business of leasing telephones to the public, or supplying the public with telephones and telephonic service, or operating a telephone exchange, to furnish without unreasonable delay, without discrimination, and without any further or additional charge to the person or firm or corporation applying for the same, including all telegraph companies, a telephone or telephones with all the proper or necessary fixtures, as well as connection with the central office or telephone exchange if desired, and shall connect the telephone of such person, firm or corporation, with the telephone of any other person, firm or corporation having a connection with the same, or a connecting exchange or central office; whenever required so to do without regard to the character of the messages to be transmitted, provided they are not ob-

SEC. 1.
Rental of tele-
phones.

scene or profane; and every person or corporation neglecting or refusing to comply with any of the provisions of this act, shall forfeit not less than twenty-five nor more than one hundred dollars, for each and every day such neglect or refusal shall continue, one-half to the use of the person or corporation prosecuting therefor.

SEC. 2.

This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

Published March 28, 1882.

WISCONSIN.

LAWS OF 1882—Continued.

CHAPTER 320.

An Act to provide for the assessment and taxation of the property of Telegraph Companies in this State, and to amend Section 1216, of the Revised Statutes.

The people of Wisconsin represented in Senate and Assembly, do enact as follows :

SEC. 1.
License to be
obtained.

Any person, company, or corporation owning or operating any line of telegraph within this State, shall obtain a license therefor at the time and in the manner provided in this act; such license shall be applied for on or before the first day of May in each year; application therefor shall be made to the State Treasurer.

SEC. 2.
Report to be
made.

Any person, company or corporation owning or operating any telegraph line within this State, shall, at the time of applying for such license in each year, make or report in writing to the State Treasurer, duly verified by such person or by the president or managing officer

of such corporation, which report shall be in such form as the State Treasurer may prescribe, and shall accurately and truthfully show the following facts :

1. The number of miles of telegraph line owned or operated by the person, company or corporation so making application for license, and the number of miles of such line that are within this State.
2. The number of wires employed on each division of such line, and the aggregate number of miles of single wire owned or operated by such person, company or corporation in this State.
3. The number of offices maintained within this State by such person, company or corporation.
4. A detailed statement of the number and value of the various implements and other property used or employed in constructing, repairing or carrying on such line.
5. The proportion of such indebtedness which is equitably and justly chargeable to the lines within the State.
6. A careful statement of the exact cost of the line or lines owned or operated within this State by the person, company or corporation applying for such license.
7. Any other facts or figures relating to the business or management of such telegraph line or lines that may be required by the State Treasurer.

Upon examining the report of any such person, company or corporation, the State Treasurer shall, if he find such report in conformity to the laws of this State, issue to the person, company or corporation so making such report, a license to operate such telegraph line or lines for the calendar year, commencing on the preceding first day of January, and terminating on the

Sec. 3.
State Treasurer
shall issue a
license.

thirty-first day of December next succeeding; such license shall by its terms be conditioned upon the prompt payment of the license fees imposed by this act. Upon failure or neglect to pay such license fees, at the time fixed by this act for the payment of the same, such license shall terminate immediately; and for such unpaid license fees, the State of Wisconsin shall have a lien upon all the telegraph lines and appurtenances owned or operated by such delinquent persons, company or corporation, and the Attorney-General shall, in such case, proceed by action at law to collect such fees.

SEC. 4.
License fee.

Any person, company or corporation owning or operating any line or lines of telegraph within this State, shall annually pay to the State Treasurer, on or before the first day of June in each year, a license fee, as follows: For any such person, company or corporation for the first wire, one dollar per mile; for the second wire, fifty cents per mile; for the third wire, twenty-five cents per mile, and for the fourth and all additional wires, twenty cents per mile.

SEC. 5.

Section 1216, of the Revised Statutes, and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SEC. 6.

This act shall take effect and be in force from and after the first day of January, A. D., 1883.

Approved March 30, 1882.

WISCONSIN.

LAWS OF 1883.

CHAPTER 345.

An Act to License Telephone Companies.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1.
Shall pay li-
cense.

Every person, company, association, or corporation engaged in this State in the business of transmitting

messages by telephone, or of renting, letting, or keeping telephone instruments, wires and batteries, or either, for hire, shall, on or before the 10th day of February in each year, make and return to the State Treasurer, in such form and upon such blanks as shall be furnished by him, a true statement of the gross receipts of such person, company, association or corporation during each year; which statement shall be verified by the president, secretary and treasurer of such company, association or corporation, or of the person so letting, renting or keeping telephones, wires and batteries, or either, for hire, otherwise by the oath of two of the principal officers of such company, association or corporation. The statement herein required for the year 1883, may be returned on or before the first day of June, 1883.

Every such person, company, association or corporation shall, upon returning such statement, apply for a license to carry on such telephone business within the State, and shall pay the license fee therefor provided, in the next section, and thereupon shall receive from the State Treasurer a license to carry on such business for the calendar year commencing on the first day of January preceding, and ending on the succeeding thirty first day of December, unless sooner revoked.

The annual license fee provided for in the preceding section, shall be one (1) per centum of the gross receipts of the business within the State.

If any such person, company, association or corporation engaged in the telephone business in this State, shall neglect to obtain such license, or pay such license fee, or any part thereof as hereinbefore provided, such person, company, association or corporation shall absolutely forfeit to the State the sum of five thousand dollars (\$5,000), to be recovered in an action brought in the name of the State; and such neglect in the case of association or corporation shall also be a cause of forfeiture of all the rights, privileges and franchises under which such business is carried on, whether granted by

special charter or obtained under laws, or existing by comity in foreign corporations. And the Attorney-General shall, upon such neglect, collect by action the pecuniary forfeiture herein imposed, and also proceed to have such rights, privileges and franchises duly declared forfeited. Any association or corporation, at any time before final judgment of forfeiture of such rights, privileges and franchises is rendered, may be permitted to make the returns and pay the license fee herein provided for, upon special application to the Court in which the action to declare such forfeiture is pending, upon such terms as the Court shall direct.

SEC. 5.
License fee to
be in lieu of
all taxes.

The payment of the license fee hereinbefore provided for, shall be in lieu of all taxes for any purposes authorized by the laws of the State, except taxes upon such real estate as may be owned by such person, company, association or corporation which is in anywise used in the prosecution of such telephone business.

SEC. 6.
Attest.

The license herein provided for shall certify to the fact of the payment of the license fee, to be attested by the greater or lesser seal thereto affixed, and shall be in such form as shall be approved by the Attorney-General.

SEC. 7.

This act should take effect, and be in force from and after its passage and publication.

Approved April 4, 1883.

WYOMING.

COMPILED LAWS OF 1869.

CHAPTER 34.

CORPORATIONS.

An Act to Create and Regulate Corporations.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming.

TITLE I.

Whenever any three or more persons associate under ^{SEC. 38.} the provisions of this article, to form a company for the ^{Telegraph lines} purpose of constructing a line or lines of magnetic telegraph in this Territory their certificate shall specify as follows: The termini of such line or lines, and the counties through which they shall pass; and such corporation is hereby authorized to construct said telegraph line or lines from point to point, along and upon any of the public roads, by the erection of the necessary fixtures, including posts, piers and abutments necessary for the wires: Provided, That the same shall not in- ^{Proviso.}commode the public in the use of said roads or highways.

Any company formed upon the provisions of this act ^{SEC. 39.} for the purpose of constructing any * * * * * telegraph line, shall within ninety days from the date of their certificate commence work on such * * * * * telegraph line as shall be named in the certificate and shall prosecute the work with due diligence until the same is completed, and the time of the completion of

any such * * * * * telegraph line shall not extended beyond a period of two years from the time work was commenced as aforesaid, and any company failing to commence work within ninety days from the date of certificate, or failing to complete the same within two years from the time of commencement as aforesaid, shall forfeit all right to the route so claimed, and the same shall be subject to be claimed by any other company. * * * * *

Approved 10th December, 1869.

WYOMING.

L A W S O F 1882.

CHAPTER 102.

TELEPHONE AND TELEGRAPH PROPERTY.

An Act to protect property used for telephoning and telegraphing.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

SEC. 1.

Injuring property used for telephoning and telegraphing, penalty.

Whoever unlawfully and intentionally injures, molests or destroys any building, line, wire, post, support, instrument, apparatus, materials or property of any company, owner or association, used in transmitting intelligence by electricity through telephones or the like, shall forfeit to the use of said company, owner or association treble the amount of damages proved to have been sustained thereby, to be recovered in an action in the name of said company, owner or association, and may further be punished by fine not less than twenty-five dollars nor more than five hundred dollars, or by

imprisonment in the county jail for a term not exceeding one year, or both.

That chapter 108 of the Compiled Laws of Wyoming ^{Sec. 2.} Territory, being an act to protect the property of tele- ^{Repeal.} graph companies, be and the same is hereby repealed.

This act shall take effect and be in force from and ^{Sec. 3.} after its passage.

Approved, March 19, 1882.

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CANADA.

LAWS RELATING TO TELEGRAPH COMPANIES.

AN ACT RESPECTING ELECTRIC TELEGRAPH COMPANIES.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, do enact as follows :

1. *Associations may be formed.* Any number of persons, not less than three, may associate for the purpose of constructing a line or lines of electric telegraph, with branches leading to and from the same, from and to any point in this Province, upon terms and conditions, and subject to the liabilities prescribed in the act (16 V., c. 10, s. 1).

2. *Certificate to be made and contents.* Such persons, under their hands and seal, shall make a certificate which shall specify :

First.—The name assumed to distinguish the association, and to be used in its dealings, and by which it may sue and be sued, and a designation of the line or lines of telegraph to be so constructed by such association, and the route or routes by which such lines are to pass.

Second.—The capital stock of such association, and the number of shares into which the stock is divided, and any provision made for increasing the same, the names of the shareholders, and the amount of stock held by each.

Third.—The period at which the association is to commence and terminate.

Fourth.—Copy of the articles of association (16 V., c. 10, s. 2).

3. To be acknowledged before a notary and filed. The certificate shall be acknowledged before a notary, and the original or copy thereof, certified by such notary, shall be filed in the office of the Provincial Secretary.

4. Incorporation. Upon complying with the provisions of the last two preceding sections, the association shall be a body corporate by the name designated in the said certificate.

5. Copy of certificate to be evidence. A copy of the certificate, duly certified by the Provincial Secretary, may be used as evidence in all our Courts and places for and against the association (16 V., c. 10, s. 3).

6. Corporate powers. Every such association shall have power to purchase, take, hold and convey, such real estate and such only as may be necessary for the convenient transaction of the business, and for the effectually carrying of the operations of the association (16 V., c. 10, s. 4).

7. Directors and officers may be appointed. Every such association may appoint such directors, officers and agents, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of its business, not inconsistent with the laws of this Province (16 V., c. 10, s. 4).

8. Powers for the construction of the line. Each such association may construct the lines of telegraph designated in its certificate, upon any lands purchased by the association, or the right to carry their line over which has been conceded to them by the parties having a right to make such concession, and along any and upon any of the public roads and highways, or across any of the waters within this province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, provided the same are not so constructed as to interfere with the public use of such roads or highways, or to

impede the free access to any house or other building erected in the vicinity of the same or injuriously to interrupt the navigation of such waters (16 V., c. 10, s. 5).

9. Nothing herein contained shall confer to any such association, the right of building a bridge over any navigable water (16 V., c. 10, s. 5).

10. *Increase of capital provided for.* Any association of persons incorporated under this act, may, by their articles of association, provide for an increase of their capital and of the number of their associates (16 V., c. 10, s. 7).

11. *Amount of debts limited.* No association under this act shall contract debts exceeding one-half of its capital stock (16 V., c. 10, s. 8).

12. *President and treasurer to sign all evidences of debt.* All evidences of debt issued by such association shall be signed and issued by the president and treasurer thereof (16 V., c. 10, s. 8).

13. *Certain companies may avail themselves of this act.* Any telegraph association or company organized on or before the tenth day of November, one thousand eight hundred and fifty-two, on filing in the office of the Provincial Secretary a certificate authorized by a resolution of its board of directors, signed and certified by the secretary of the company, containing the particulars hereinbefore required in like cases, and signifying its acceptance of this act, may become incorporated under this act (16 V., c. 10, s. 9).

14. *Duties of company in transmitting dispatches.* The owner of, or the association owning any telegraph line in operation at that time or since that period shall, except in cases provided for in the next section, transmit all dispatches in the order in which they are received, under a penalty of not less than twenty or exceeding one hundred dollars, to be recovered, with costs of suit, by the person or persons whose despatch has been postponed out of its order.

15. *What messages entitled to preference.* Any message in relation to the administration of justice, arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by persons connected with the administration of justice, or any persons thereunto authorized by the Provincial Secretary (16 V., c. 10, s. 10).

16. *Penalty on operator divulging secrets.* Any operator or telegraph line, or any person employed by a telegraph company, divulging the contents of a private despatch, shall be guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a period of not exceeding three months, or both, in the discretion of the court before which the conviction is had (16 V., c. 10, s. 11).

17. *Government may assume the same temporarily.* Her Majesty may at any time assume and for any length of time retain possession of any such telegraph line and of all things necessary to the sufficient working thereof, and may for the same time require the exclusive service of the operators and other persons employed in working such line, and the company shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such despatches as they may be required to receive and transmit by any duly authorized officer of the Provincial Government, under a penalty not exceeding one hundred dollars for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses in the Province, with costs, in any way in which debts of like amount are recoverable by the Crown (16 V., c. 10, s. 12).

18. *Her Majesty may assume the property of the*

line. Her Majesty may, at any time after the commencement of a telegraph line under this act, and after two months' notice to the company, assume the possession and property thereof, and upon such assumption, essential to the working thereof, and all the rights and privileges of the company, as regards such line, shall be vested in the Crown (16 V., c. 10, s. 13).

19. *Mode of settling the compensation in case of difference of opinion.* If any difference arises between the company and those who act for the Crown as to the compensation which ought to be paid to the company, for any telegraph line or appurtenances taken under the eighteenth section of this act, or for the temporary exclusive use thereof under the seventeenth section, such difference shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two so appointed arbitrators, and the award of any two of the said arbitrators shall be final; in case of refusal or neglect by the company to appoint an arbitrator on their behalf, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator shall be appointed by any two Judges of the Queen's Bench of Common Pleas in Upper Canada, or of the Superior Court in Lower Canada, on application on the part of the Crown (16 V., c. 10, s. 14).

20. *Municipal corporation and joint stock companies may take stock in telegraph companies.* Any municipal corporation in this Province, or any joint stock company incorporated under an act of Parliament of this Province, may subscribe for and hold stock in any company formed under this act, and may pay the amount of subscription out of any municipal or other funds not specially appropriated to any other purpose, and such municipal corporation may levy money by rate for paying any such subscription, and shall have such rights as a member of the company, and shall vote upon the stock held by it in such manner and by the in-

tervention of such person or officer as shall be determined by the articles of association (16 V., c. 10, s. 15).

21. *Penalty for malicious or other injuries to telegraph works.* Any person who wilfully and maliciously cuts, breaks, molests, injures or destroys any instrument, cap, wire, post, line, pier, or abutment, or the materials or property belonging thereto, or any other erection used for or by any line of electro-magnetic telegraph in operation in this Province under any act in force hereon, or who wilfully and maliciously in any way obstructs, disturbs or impedes the action, operation, or working of any such line of telegraph, shall on conviction thereof be deemed guilty of a misdemeanor and be punished by a fine not exceeding forty dollars, or imprisonment not exceeding one month, or both, at the discretion of the Court before which the conviction is had (16 V., c. 10, s. 6; 13, 14 V., c. 31).

22. The jurisdiction over all offences against this act shall be in any justice of the peace in any parish, village, city, town or county where the offence has been committed, or in which the offender may be found, and the proceedings thereon shall be summary.

23. The fine imposed may if not forthwith paid be levied with all costs of the prosecution by a warrant of distress against and by sale of the goods and chattels of the offender, or such offender may (in the discretion of the magistrate) whether imprisonment be or be not part of the sentence, be imprisoned for a period not exceeding thirty days, in addition to and after the expiration of any other imprisonment making part of the sentence, unless such fine and all expenses incurred in the prosecution be sooner paid, and all such fines when collected shall belong to the party aggrieved by and complaining of the offence and be paid over to such party (13-14 V., c. 31).

MEMORANDUM.

1, 7, 10, 13 repealed L. L. 1869, page 79, chap. 14

L. L., 1869, amends general act by allowing company to change route of wires by diverging from route laid down in certificate on filing an amended certificate which in other respects shall conform to section 5 of general act.

These are all the amendments found to 1873.

CANADA.

STATUTES OF 1882.

45 VICTORIA.

CHAPTER 40.

An Act declaratory of the meaning of the word Telegraph in certain cases. Assented to 17th May, 1882.

Preamble.

Whereas, doubts have arisen as to whether the word "telegraph" includes the word "telephone," and whereas, it is desirable that such doubts should be set at rest; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:

SEC. 1.

Word Telegraph in acts on subjects under control of Parliament does not include "Telephones."

The word "telegraph" and its derivatives, wherever they occur in any statute of the Dominion of Canada heretofore passed, or hereafter to be passed, or in any statute of any Province now forming part of the Dominion of Canada, passed before such Province entered the Dominion, on a subject which, by "The British North America Act, 1867," was placed within the legislative powers of the Parliament of Canada, are not to be held or construed to include the word "telephone" and its derivatives.

This Act shall not in any way affect any suit, action, or proceeding now pending.

Sec. 2.
Savings.
Pending suits.

C A N A D A.

STATUTES OF ONTARIO, 1882.

45 VIC., CAP. 71.

An Act to confer certain powers upon the Bell Telephone Company of Canada. Assent, 10 March, 1882.

Whereas the Bell Telephone Company has, by its petition, represented that it was incorporated by an Act of Parliament of Canada, passed in the 43 year of Her Majesty's reign, chapter 67, and certain powers were conferred on the said corporation by the said act; that under the authority thereof it has acquired the rights, business and good will of divers local telephone companies in this Province, and has constructed and erected, and is now working telephone lines in divers cities, towns and villages, and other places in this Province; and that doubts have arisen as to the powers of the said company under the said act, in regard to those portions of its work and undertaking which are local and do not extend beyond the limits of the Province; and the said company has prayed that the necessary powers be conferred on it by the Legislature of this Province; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enact as follows:

It shall be lawful for the company incorporated by chapter sixty-seven of the Statutes of Canada, passed in the forty-third year of Her Majesty's reign, known

Sec. 1.
Company authorised to exercise

powers here- by the name of "The Bell Telephone Company of Can-
in mentioned ada," to exercise within the Province of Ontario the
powers hereinafter mentioned.

SEC. 2. The Bell Telephone Company of Canada may con-
struction and main- struct, erect and maintain, its line or lines of telephone
tenance of line. along the sides of and across or under any public high-
ways, streets, bridges, water courses or other such
Proviso. places; provided the said company shall not interfere
with the public right of travelling on or using such
highways, streets, bridges, or water courses; and pro-
Height of poles vided that in cities, towns and incorporated villages, the
etc. company shall not erect any poles higher than forty
feet above the surface of any street, nor affix any wires
less than twenty feet above the surface of the street, nor
carry any such poles or wires along any street without
the consent of the municipal council having jurisdiction
over the streets of the said city, town or incorporated
village, and that in any city, town or incorporated vil-
lage the poles shall be nearly as possible straight and
perpendicular, and should in cities be painted, if so re-
quired by any by-laws of the council; and provided
Proviso. further that where lines of telegraph are already con-
structed, no poles shall be erected in any city, town or
incorporated village along the street where such poles
are already erected, unless with the consent of the coun-
cil having jurisdiction over the streets of such city, town
or incorporated village. Provided also, that in so
Proviso. doing the said company shall not cut down or
mutilate any tree; and provided that in cities,
towns and incorporated villages the opening
up of the street for the erection of poles
or for carrying the wires underground, shall be done
under the direction and supervision of the engineer or
such other officer as the council may appoint, and in
Proviso. such manner as the council may direct, unless such en-
gineer, officer, or council, after one week's notice, in
writing, shall have omitted to make such direction;
and provided also, that the surface of the street shall,
in all cases, be restored to its former condition by, and

at the expense of the company ; and provided further, that whenever in case of fire, it becomes necessary for its extinction or preservation of property, that the telephone wires should be cut, the cutting under such circumstances of any of the wires of the company, under the direction of the Chief Engineer or other officer in charge of the fire brigade, shall not entitle the company to demand or claim compensation for any damages that might be so incurred.

The said company shall have power to purchase, lease SEC. 3. or otherwise acquire and hold all such real estate as Power to acquire real estate. may, from time to time, be necessary and proper for the purposes and uses of the company, and also to sell, lease or otherwise dispose of, and to mortgage, pledge or incumber such real estate, or any part or parts thereof, from time to time, in such manner and on such terms as they may deem fit.

Provided always, that such real estate acquired for the purposes hereinbefore mentioned, shall at all times be held exclusively for the purposes and uses of the said company as by this act authorized, and not otherwise, and shall not exceed, at any one time, when situate within the city of Toronto, the annual value of ten thousand dollars, when situate within any other city in the Province of Ontario, the annual value of five thousand dollars, when situate within any town within the Province of Ontario, the annual value of two thousand dollars, and when situate within any other municipality, within the said Province of Ontario, the annual value of one thousand dollars.

CANADA.

STATUTES OF QUEBEC, 1882.

45 VICTORIA, CAP. XXII.

An Act to Impose Certain Direct Taxes on Commercial Corporations.

Assented to 27th May, 1882.

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

SEC. 1.
Taxes imposed upon certain commercial corporations.

In order to provide for the exigencies of the public service of this Province, every * * * * telegraph company working a telegraph line, or part of a telegraph line in this Province, every telephone company working a telephone line in this Province, * * * shall annually pay the several taxes contained and specified in Section three of this Act, which taxes are hereby imposed upon each of such commercial corporations, respectively.

SEC. 3.
Amount of annual taxes upon.

The annual taxes upon, and payable by the commercial corporations mentioned and specified in Section one of this Act, be as follows :

* * * * *

VI.—TELEGRAPH COMPANIES.

Telegraph companies.

- (a.) One thousand dollars.
- (b.) An additional tax of five dollars for each office.

VII.—TELEPHONE COMPANIES.

Telephone companies.

- (a.) Two hundred dollars.
- (b.) An additional tax of one hundred dollars for the principal station, in the cities of Montreal and

Quebec, and of fifty dollars for the principal station in every other place.

* * * * *

Such taxes shall be payable on the first judicial day of the month of July in each year. SEC. 4.
Taxes when payable.

The principal tax hereby imposed, shall be paid annually to the license inspector of the revenue district in which the commercial corporation has its chief or principal office in this Province, to the license inspector for the revenue district of Quebec. SEC. 5.
To whom principal taxes are payable.

The additional tax shall be paid annually to the license inspector of the revenue district in which the office, place of business, factory, or workshop for which it is payable is situated. To whom additional taxes are payable.

If any such annual tax be not paid, the same may be recovered with legal interest thereon, from the date upon which such tax became due, by an action brought in his own name on behalf of Her Majesty, by the license inspector of the revenue district in which such tax was payable. SEC. 6.
Action for recovery of taxes if unpaid.

All actions for the recovery of such taxes shall be brought in the Judicial District Court in which they are payable, either before the Circuit Court or the Superior Court, according to the competency of the Court with reference to the amount claimed. SEC. 7.
Before what Court brought

Costs shall not be adjudged against the inspector in any action by him under this Act; but on the recommendation of the tribunal, the provincial treasurer may in his discretion pay to the commercial corporation in favor of which judgment has been rendered, the costs to which he may deem it equitably entitled. SEC. 8.
Costs not to be adjudged against inspector; proviso as to certain cases.

The clerks or secretary, treasurers of every municipal corporation, shall annually on or before the first day of June, return to the provincial treasurer, the names of all commercial corporations of the nature of those mentioned in this act, established or doing business within their respective municipalities, specifying the number of offices, places of business, factories or workshops of each, and in default of so doing, they shall severally be SEC. 9.
Returns by clerks, &c., to provincial treasurers as to commercial corporations in their municipalities.

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SEC. 12.
Act in force.

This Act shall come into force on the day of its sanction.

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